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WHO: The Office of the Federal Register.

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DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1924

Planning and Performing Construction and Other Development

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations to add approved providers of warranty plans for the new construction of single family homes financed by FmHA. The intended effect of this action is to notify the public that FmHA will accept 10-Year Warranty Plans that are provided by certain companies.

EFFECTIVE DATE: June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Reginald Rountree, Senior Loan Specialist, Single Family Housing Processing Division, FmHA USDA, room 5346, South Agriculture Building, Washington, DC 20250. Telephone: (202) 382–1484.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in Departmental Regulation 1512–1 which implements Executive Order 12291, and has been determined to be exempt from those requirements because it involves only internal agency management. It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits, or contracts, notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rule making since it involves only internal agency management, making publication for comment unnecessary

Programs Affected

This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.410 Low-Income Housing Loans (section 502 Rural Housing Loans). For the reasons set forth in the final rule and related notice(s) to 7 CFR part 3015, subpart V, this activity affects the following programs that are included in the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials: 10.405 Farm Labor Housing and Grants; 10.406 Farm Operating Loans; 10.413 Recreation Facility Loans; 10.415 Rural Rental Housing Loans; and 10.416 Soil and Water Loans.

Environmental Impact Statement

This document has been reviewed in accordance with FmHA Instruction 1940–G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not needed.

Background

In recent years, numerous third-party home warranty plans have been developed offering new home owners varying degrees of protection against builder default and/or major structural defects in their home. FmHA has established criteria and procedures by which a warranty plan is found acceptable for new construction of single family homes financed by FmHA. Upon reviewing the warranty plans submitted by Manufactured Housing Warranty Corporation and Residential Warranty Corporation, FmHA found they are acceptable and therefore, available to FmHA borrowers.

List of Subjects in 7 CFR Part 1924

Agriculture, Construction management, Construction and repair, Energy conservation, Housing, Loan program—Agriculture, Low- and moderate-income housing.

Accordingly, part 1924, chapter XVIII, title 7 of the Code of Federal Regulations is amended as follows:

PART 1924—CONSTRUCTION AND REPAIR

1. Authority citation for part 1924 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1980; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10 Pub. L. 93-357, 88 Stat. 392; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Planning and Performing Construction and Other Development

Exhibit L to Subpart A [Amended]

2. Attachment 1 of Exhibit L to Subpart A is revised to read as follows:

* * * * *

Attachment 1—Acceptable Warranty Companies

The warranty companies listed below claim authority to act as a risk retention group under the Products Liability Risk Retention Act of 1981 and as such, to operate in all States to provide 10-year home warranties. This authority remains subject to future challenges by any State insurance commissioner or regulatory agency; however, until such challenge is made, FmHA accepts their warranty.

Name and address	Area of operation
Home Owners Warranty Corporation/HOW Insurance Company, 11 North Glebe Road, Arlington, Virginia 22201, (703) 516–4100.	All States.
Home Buyers Warranty, 89 Liberty Street, Asheville, North Carolina 22801, Telephone: (704) 254–4478.	All States.
Residential Warranty Corporation, P.O. Box 641, Harrisburg, Pennsylvania 17108–0641, Telephone: 1–800–247–1812.	All States.
Manufactured Housing Warranty Corporation, P.O. Box 641, Harrisburg, Pennsylvania 17108–0641, Telephone: 1–800–247–1812.	All States.

Dated: May 24, 1991.

LaVerne Ausman,

Administrator, Farmers Home Administration.

[FR Doc. 91–15186 Filed 6–25–91; 8:45 am]
BILLING CODE 3410–07–M

7 CFR Part 1942

Community Facility Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations on Community Facility Loans. This action is necessary to correct a problem relating to the scheduling of loan payments, to make another revision for consistency purposes and to make minor corrections. The revisions will rectify the problem, allow loan processing to proceed more smoothly and clarify a related paragraph.

EFFECTIVE DATE: June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Donna H. Roderick, Loan Specialist, Water and Waste Disposal Division, Farmers Home Administration, USDA, South Agriculture Building, room 6328, Washington, DC 20250, telephone: (202) 382–9589.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291, and has been determined to be non-major. The annual effect on the economy will be less than $100 million. There will be no significant increase in costs or prices for consumers, individual industries, organizations, governmental agencies, or geographic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete in domestic or export markets.

Intergovernmental review

This program is listed in the Catalog of Federal Domestic Assistance under numbers 10.423, Community Facilities Loans, and 10.418, Water and Waste Disposal Systems for Rural Communities, and is subject to the provision of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Environmental Impact Statement

This action has been reviewed in accordance with FmHA Instruction 1940–G, "Environmental Program." FmHA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not required.

Regulatory Flexibility Act

The Administrator of Farmers Home Administration has determined that this action will not have a significant economic impact on a substantial number of small entities because the regulatory changes affect a small number of entities for which the changes will make debt instruments less complex to prepare.

Background

This action amends FmHA's regulations to require semiannual or annual payment bonds in cases where State law requires principal plus interest type bonds and to clarify the maximum loan repayment period. This action is necessary because loan payments may currently be scheduled more frequently than annually or semiannually and if principal plus interest bonds are required under State law, this causes debt instruments to be unreasonably complex, causes accounting of payments to be burdensome and is otherwise impractical. This action is also necessary to revise the maximum loan repayment period language for consistency with other parts of the regulation and to make minor corrections.

On January 29, 1991, a proposed rule was published in the **Federal Register** (56 FR 3225) for a 30-day review and comment period. No comments were received from the public review process.

Lists of Subjects in 7 CFR Part 1942

Community Development, Community Facilities, Loan Programs—housing and community development, Rural Areas, Waste treatment and disposal—domestic, Water supply—domestic, Loan security.

Therefore, chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

PART 1942—ASSOCIATIONS

1. The authority citation for part 1942 continues to read as follows:

Authority: 7 U.S.C. 1989; 16 U.S.C. 1005; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Community Facility Loans

2. Section 1942.17 is amended by revising the introductory text of paragraph (f)(7) and paragraph (f)(7)(ii) to read as follows:

§ 1942.17 Rates and terms.

* * * * *

(f) * * *

(7) *Repayment terms.* The loan repayment period shall not exceed the useful life of the facility, State statute or 40 years from the date of the note(s) or bond(s), whichever is less. Where FmHA grant funds are used in connection with an FmHA loan, the loan will be for the maximum term permitted by this subpart, State statute, or the useful life of the facility, whichever is less, unless there is an exceptional case where circumstances justify making an FmHA loan for less than the maximum term permitted. In such cases, the reasons must be fully documented. In all cases, including those in which the FmHA is jointly financing with another lender, the FmHA payments of principal and interest should approximate amortized installments.

* * * * *

(ii) *Payment date.* Loan payments will be scheduled to coincide with income availability and be in accordance with State law. If consistent with the foregoing, monthly payments will be required and will be enumerated in the bond, other evidence of indebtedness, or other supplemental agreement. However, if State law only permits principal plus interest (P&I) type bonds, annual or semiannual payments will be used. Insofar as practical monthly payments will be scheduled one full month following the date of loan closing; or semiannual or annual payments will be scheduled six or twelve full months, respectively, following the date of loan closing or any deferment period. Due dates falling on the 29th, 30th or 31st day of the month will be avoided.

* * * * *

3. Section 1942.19 is amended by revising paragraph (h)(5) to read as follows:

§ 1942.19 Information pertaining to preparation of notes or bonds and bond transcript documents for public body applicants.

* * * * *

(h) * * *

(5) *Payment date.* Loan payments will be scheduled to coincide with income availability and be in accordance with State law. If consistent with the foregoing, monthly payments will be required and will be enumerated in the bond, other evidence of indebtedness, or other supplemental agreement. However, if State law only permits principal plus interest (P&I) type bonds, annual or semiannual P&I bonds will be used. Insofar as practical monthly payments will be scheduled one full month following the date of loan closing; or semiannual or annual payments will be scheduled six or twelve full months,

respectively, following the date of loan closing or any deferment period. Due dates falling on the 29th, 30th or 31st day of the month will be avoided.

* * * * *

§ 1942.19 [Amended]

4. In § 1942.19(h)(10)(iv), the name of Form FmHA 1942–9 is changed from "Loan Resolution (Security Agreement)" to "Loan Resolution Security Agreement."

Dated: May 17, 1991.

La Verne Ausman,

Administrator, Farmers Home Administration.

[FR Doc. 91–15187 Filed 6–25–91; 8:45 am]

BILLING CODE 3410–07–M

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7 CFR Part 1980

Community Programs Guaranteed Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation regarding guaranteed loans for Community Programs which was authorized by Public Law 101–161, enacted November 21, 1989. This action is necessary to provide the public, lending institutions and FmHA personnel with expanded and clearer instructions on Community Programs guaranteed loans. The intended effect is to make our regulations more responsive and to further the prudent development of guaranteed Community Programs lending in rural America.

EFFECTIVE DATE: June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Shirley P. Stroud, Senior Loan Officer, Community Facilities Division, Farmers Home Administration, U.S. Department of Agriculture, room 6310, South Agriculture Building, Washington, DC 20250, telephone (202) 382–1496.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291 and has been determined to be major, because it will result in an annual effect on the economy of $100 million or more.

Memorandum of Law

The Acting General Counsel has reviewed the regulations which the Farmers Home Administration (FmHA) is publishing as a final rule and has found that these regulations comply with applicable statutes and that FmHA has the authority to propose such regulations pursuant to the Consolidated Farm and Rural Development Act (7 U.S.C. 1989).

J. Robert Franks,

Acting General Counsel.

Summary of FRIA

This action establishes regulations to implement a guaranteed community loan program. Providing for a loan guarantee program presents an opportunity to involve the private sector in making loans for community projects and to reduce the Government's role as a source of credit. The Final Regulatory Impact Analysis provides an estimate of the economic impact of shifting from a direct to a guaranteed loan program. The analysis discusses whether the additional cost associated with a loan guarantee program will impair the financial feasibility of some of the projects otherwise financed solely by FmHA. The FRIA concludes that:

1. A shift from direct to guaranteed loans reduces FmHA exposure and Government outlays immediately, due to a decrease in the amount of loan funds disbursed;

2. The additional interest cost associated with a guaranteed loan program will not have a significant effect on the entities that qualify for the program; and

3. Providing a loan guarantee permits the continuation of assistance to entities needing only minimal assistance in attracting private financing while providing more direct loan assistance to entities serving lower income population.

The Interim Regulatory Impact Analysis (IRIA) for this document was summarized in the interim rule published on March 27, 1990 (55 FR 11133). The summary is incorporated into this document.

Intergovernmental Review

This program is listed in the Catalog of Federal Domestic Assistance under Numbers 10.423, Community Facilities Loans, and 10.418, Water and Waste Disposal Systems Loans, and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. FmHA conducts intergovernmental consultation in the manner delineated in FmHA Instructions 1901–H and 1940–J.

Environmental Impact

This document has been reviewed in accordance with 7 CFR part 1940, Subpart G, "Environmental Program." FmHA has determined this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not required.

Discussion of Interim Rule

An interim rule was published on March 27, 1990, (55 FR 11133), and invited comments for 30 days ending April 26, 1990. It authorized and implemented a program for guaranteed Community Facility program loans by adapting the regulations in effect to govern the Agency's Business and Industry guaranteed loan program for use in this similar program, newly funded by Public Law 101–161.

Discussion of Comments

Part 1940—General

Subpart L—Methodology and Formulas for Allocation of Loan and Grant Program Funds

No comments were received on changes in this subpart published in the interim rule. The interim rule is adopted as final.

Part 1980—General

Subpart A—General

No comments were received on changes in this subpart published in the interim rule. The interim rule is adopted as final.

Subpart E—Business and Industry Loans

No comments were received on changes in this subpart published in the interim rule. The interim rule is adopted as final.

Subpart I—Community Programs Guaranteed Loans

Seventeen comments were received from the public and have been carefully considered. Comments were received from small towns, investment banking firms, attorneys, banks, FmHA employees, and the Office of Inspector General.

Comments were received from four small towns and a planning district commission. They were all under the impression FmHA was proposing to eliminate direct loans and shift totally to guaranteed loans. This is not the intent of the regulation since the direct loan regulations are being left intact.

Some respondents objected to the prohibition on the guarantee of tax-exempt bonds. The Agency appreciates these comments but will continue to follow the Government's policy as set forth in OMB Circular A–70, which states "Federal guarantees of debt

obligations, the interest on which is exempt from Federal tax, are an inefficient means of allocating Federal credit because the tax revenue loss to the Federal Government is greater than the interest savings to the borrower."

Three respondents, potential lenders, requested the rule be amended to specifically authorize them as eligible lenders. The Agency has reviewed the regulation governing the guaranteed loan program and agrees one of these lenders should be listed as eligible. As a result, FmHA opts to modify the interim rule permitting other Farm Credit System institutions with direct lending authority to be shown as eligible lenders.

Two respondents requested the interim rule be clarified in its application to investor financing. Specific paragraphs were cited with recommended changes to allow organizations other than traditional institutional lenders to be approved as eligible lenders. The Agency is still reviewing these comments and exploring the possibility of additions and revisions to the regulations which allow for the more broad concept needed to incorporate investment bankers as eligible lenders.

One respondent stated it would not be appropriate for CP to send an applicant to be tested by other commercial credit when B&I guarantees do not require this action. The test for other credit is a statutory requirement; therefore, no change will be made to this section.

One respondent stated there should be no differentiation made between the audit requirements for insured loans and guaranteed loans to the same type of entities served. The Agency agrees and has changed the terminology to reflect the suggestion.

One respondent pointed out there is no provision for OGC reviews during loan processing. The Agency never intended for this to be left out of the regulation and this provision is being added.

The Office of Inspector General stated the interim rule is in material noncompliance with OMB Circulars A–70 and A–129 regarding numerous rescreening items required by the Circulars. The Agency has reviewed all sections and has modified the language in some sections accordingly. Other items cited such as the requirement to suspend processing of an application when an applicant is found to be delinquent on a Federal debt requires additional study by the Agency. Uniform standards and parameters need to be established for all loan programs with proper notification to the public before this and similar changes can be effected.

Comments Regarding Specific Sections

Section 1980.823(b)

One respondent stated the use of "percent" could be misleading or misinterpreted as the rule presently reads: "The interest rate should not be adjusted more than 5% during the life of the loan." The Agency agrees that the language could be misinterpreted and has modified the section.

Section 1980.842

This section references a similar section of FmHA Instruction 1942–A. The respondent feels a reference should also be made to FmHA Instruction 1942–C for fire and rescue type loans. The Agency agrees and has revised the section to also reference economic feasibility requirements for fire and rescue loans.

Section 1980.844

One respondent believes this section requiring an appraisal for *all* essential community facility loans is too restrictive. The Agency agrees and has modified this section to require appraisals for all real estate related transactions only.

Section 1980.851(a)

One respondent questioned the need for a preapplication for fire and rescue type loans. The Agency has reviewed this section and finds the use of an SF–424 in the guaranteed program is needed to meet several prescreening requirements of OMB Circular A–129. Therefore, no change is made to this requirement.

Section 1980.856(c)

One respondent feels the State Director should have the authority to change the conditions for the guarantee. The Agency has modified language in this section to reflect that changes to the Form FmHA 449–14 can be approved by the State Director.

Section 1980.856(e)

One respondent stated this section is somewhat confusing in that it appears to require a title opinion on all rights-of-way. The Agency has modified language in this section to reflect that it is not necessary to require a title report on all rights-of-way.

Other changes are made to incorporate administrative requirements which were inadvertently left out of the regulation as well as minor changes in wording for clarity and correcting of typographical errors.

List of Subjects in 7 CFR Part 1980

Loan programs—Community programs—Rural development assistance.

Accordingly, chapter XVIII, title 7, Code of Federal Regulations is amended by adopting the interim rule published on March 27, 1990 (5 FR 11133) as a final rule with the following amendments:

PART 1980—GENERAL

1. The authority citation for part 1980 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

Subpart I—Community Programs Guaranteed Loans

2. Section 1980.806 is revised to read as follows:

§ 1980.806 Availability of credit from other sources.

To be eligible for a guaranteed loan under this subpart, the borrower must be unable to obtain the required credit without the CP loan guarantee from private, commercial, or cooperative sources at reasonable rates and terms for loans for similar purposes and period of time. The borrower must certify in writing and FmHA shall determine the credit is not available from other sources at reasonable rates and terms without the CP loan guarantee. The lender also must certify that it would not make the loan without the guarantee. These certifications shall become a part of the FmHA case file.

§ 1980.812 [Amended]

3. Section 1980.812 is amended by changing the word "loan" to "loans."

§ 1980.813 [Amended]

4. Section 1980.813 is amended by redesignating current paragraph (a)(2)(vii) as paragraph (a)(2)(viii) and adding new paragraph (a)(2)(vii) to read as follows:

(a) * * *

(2) * * *

(vii) Natural gas distribution systems; and

* * * * *

5. Section 1980.814 is amended by revising paragraph (d) to read as follows:

§ 1980.814 Ineligible loan purposes.

* * * * *

(d) Electric generation or transmission facilities or telephone systems, except as provided in § 1980.813 (a)(2)(v) or (a)(2)(vi) of this subpart; or extensions to serve a particular essential

community facility as provided in § 1980.813 (b)(1) or (b)(2) of this subpart.
* * * * *

6. Section 1980.815 is amended by revising paragraph (a) to read as follows:

§ 1980.815 Transactions which will not be guaranteed.

(a) Loans made by any Federal or State agencies. This does not preclude guaranteeing loans made by the Bank for Cooperatives or Federal Land Bank.
* * * * *

7. Section 1980.818 is amended by revising paragraphs (a)(3) and (a)(4) to read as follows:

§ 1980.818 Eligible lenders.

(a) * * *

(3) Farm Credit Bank of the Federal Land Bank Association or other Farm Credit System institution with direct lending authority authorized to make loans of the type guaranteed by this subpart.

(4) An insurance company regulated by a State or National insurance regulatory agency, and
* * * * *

8. Section 1980.819 is amended by revising paragraphs (a) and (b)(4) to read as follows:

§ 1980.819 Loan guarantee limits.
* * * * *

(a) Normally, guarantees will not exceed 80 percent unless extraordinary circumstances exist. The State Director will document these circumstances in the case file. National Office concurrence is required when the requested guarantee exceeds 80 percent. The maximum allowable guarantee will be 90 percent.

(b) * * *

(4) Lender's exposure (retain a minimum of 5% of the total guaranteed loan(s) amount. The amount required to be retained must be of the unguaranteed portion of the loan and cannot be participated to another.)
* * * * *

§ 1980.819 [Amended]

9. Section 1980.819(b) is amended in the second sentence by removing form title, "Conditional Commitment for Guarantee."

10. Section 1980.823 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 1980.823 Interest rates.

(a) Rates will be negotiated between the lender and the borrower. They may be either fixed or variable rates as long as they are legal. Interest rates will be those rates customarily charged borrowers in similar circumstances in the ordinary course of business and are subject to FmHA review and approval. FmHA will take into consideration in approving the lender's interest rate, the rate at which guaranteed loans are being sold or traded in the secondary market.

(b) A variable interest rate must be tied to a base rate published periodically in a recognized national or regional financial publication specifically agreed to by the lender and borrower. Notice of any interest rate change proposed by the lender should allow a sufficient time period for the borrower to obtain any required state or other regulatory approval and to implement any user rate adjustments necessary as a result of the interest rate change. The interest rate will not be raised more than one percent per year. The intervals between interest rate adjustments will be specified in the loan agreement but not more often than annually. During the life of the loan, the interest rate will not be increased more than 5 percentage points over the interest rate at loan closing. The lender must incorporate within the variable rate promissory note or bond at loan closing, the provision for adjustment of payment installments coincident with an interest rate adjustment. This will assure the outstanding principal balance is properly amortized within the prescribed loan maturity to eliminate the possibility of a balloon payment at the end of the loan.

(c) Any change in the interest rate between the date of issuance of the Form FmHA 449–14 and before the issuance of the Loan Note Guarantee (Form FmHA 449–34) must be approved by the State Director. Approval of such change will be shown on an amendment to Form FmHA 449–14.
* * * * *

§ 1980.824 [Amended]

11. Section 1980.824(c) is amended by removing the word "or" between the words "bond" and "promissory" and adding a comma after the word "bond."

12. Section 1980.842 is revised to read as follows:

§ 1980.842 Economic feasibility requirements.

The economic feasibility requirements for this subpart are set out at § 1942.17(h) of subpart A and/or at § 1942.116 of subpart C of part 1942 of this chapter.

13. Section 1980.844 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 1980.844 Appraisal reports

(a) * * *

(1) Appraisal reports prepared by independent third party qualified fee appraisers will be required for all real estate transactions. For loans of $1 million or less, the State Director may modify this requirement by permitting the appraisal to be made by a qualified appraiser on the lender's staff with experience appraising the type of security involved. The appraisers will give their opinion regarding the current market value of the security and the purpose for which the appraisal will be used. The lender will be responsible for assuring that appropriate appraisals are made, and for determining that prices paid for construction, equipment, and other project development are reasonable and fair.

(2) The lender will require that appraisals be conducted at a minimum in accordance with generally accepted appraisal standards as reflected in the "Uniform Standards of Professional Appraisals Practices" as promulgated by the Appraisal Standards Board of the Appraisal Foundation.
* * * * *

14. Section 1980.851 is amended by redesignating current paragraphs (b)(2)(ii) through (b)(2)(xii) as paragraphs (b)(2)(iii) through (b)(2)(xiii), respectively; by adding new paragraph (b)(2)(ii); and by revising the introductory text of paragraph (a)(1), paragraphs (a)(1)(v), (b)(1), the introductory heading of paragraph (b)(2), and new redesignated paragraphs (b)(2)(iv) and (b)(2)(vii) to read as follows:

§ 1980.851 Processing applications.

(a) *Preapplications.* (1) The County Office may handle initial inquiries and provide basic information about the program. They are to provide Standard Form (SF) 424.1 or 424.2, "Application for Federal Assistance." The County Supervisor will assist borrowers as needed in completing SF–424 and in filing written notice of intent and request for priority recommendations with the appropriate clearinghouse (except Federally recognized Indian tribes which will be dealt with in accordance with § 1940.453(c) of subpart J of part 1940 of this chapter). The County Supervisor will inform the borrower that if credit for the project is available from commercial sources without the guarantee at reasonable rates and terms, the borrower is not eligible for a loan guaranteed by FmHA. Preapplications filed in the County Office will be forwarded immediately to the District Office. The applicant/

borrower will be informed that further processing will be handled by the District Office. An information folder will be established and maintained by the County Office once a preapplication is received. In the event the preapplication is filed in the District Office, the District Director may assist the borrower in completing the preapplication requirements. The District Director will meet with the borrower/applicant, whenever appropriate, to discuss FmHA preapplication processing. The appropriate information to set up the County Office information file will be sent to the County Supervisor by the District Director. Guidance and assistance will be provided by the State Director, as needed, for orderly application processing. The District Director will determine that the preapplication is properly completed and fully reviewed. The District Director will then forward the preapplication package to the State Director. The preapplication package will contain:

* * * * *

(v) Supporting documentation necessary to make an eligibility determination, such as financial statements, audits, or copies of organizational documents or existing debt instruments. The District Director will advise borrowers/applicants on what documents are necessary. Borrowers should not be required to expend significant amounts of money or time developing supporting documentation at the preapplication stage.

* * * * *

(b) * * *

(1) *Application conference.* When an applicant is notified to proceed with an application, the District Director should arrange for a conference with the applicant and borrower to provide copies of appropriate appendices and forms, and furnish guidance necessary for orderly application processing. The District Director will confirm decisions made at this conference by letter to the applicant and borrower. As the application is being processed, and the need develops for additional conference, the District Director will arrange with the applicant for such conferences.

(2) *Content of application package.*

* * *

(ii) Form FmHA 1910–11, "Applicant Certification Federal Collection Policies for Consumer or Commercial Debts."

* * * * *

(iv) Preliminary architectural or engineering report as appropriate, in accordance with Guides 6, 7, and 8 of subpart A of part 1942 (available in any FmHA office).

* * * * *

(vii) Credit reports obtained by the lender or FmHA on the borrower.

* * * * *

15. Section 1980.852 is revised to read as follows:

§ 1980.852 FmHA evaluation of application.

(a) FmHA will complete Form FmHA 1942–45, "Project Summary—Water and Waste Disposal and other Utility-type Projects," or Form FmHA 1942–43, "Project Summary Community Facilities (Other Than Utility-type Projects)," as appropriate. The application will be evaluated and a determination made as to whether the borrower is eligible, the proposed loan is for an eligible purpose, and there is reasonable assurance of repayment ability, sufficient collateral and equity, the proposed loan complies with all applicable statutes and regulations, and adequate funds are available. The FmHA Architect/Engineer will review the Preliminary Architect/Engineer reports and provide technical analysis and recommendations on the appropriate Project Summary. If FmHA determines it is unable to guarantee the loan, the lender will be informed in writing. Such notification will include the reasons for denial of the guarantee. If FmHA conditionally commits to guaranteeing the loan after the receipt of a completed application in accordance with § 1980.47 of subpart A of this part, it will provide the lender and the borrower with Form FmHA 449–14, listing all conditions for such guarantees. FmHA will include in the requirements of the Conditional Commitment for Guarantee a full description of the approved use of guaranteed loan funds as reflected in the Form FmHA 1980–10.

(b) Within 30 days after the Form FmHA 449–14 has been accepted, the State Director will send to the National Office, Attention: Community Facilities Division or Water and Waste Disposal Division, as appropriate, the following documents:

(1) A copy of Form FmHA 1942–43 or FmHA 1942–45.

(2) A copy of Form FmHA 449–14 (with attachments) as accepted by the lender and borrower.

(3) A copy of the proposed loan agreement between the lender and the borrower.

(4) A copy of Form FmHA 1980–10.

The cover memorandum should indicate whether the Form FmHA 449–34 has been issued. If the Loan Note Guarantee has been issued, enclose a copy of the Lender Certification required by § 1980.60(a) of subpart A of this part, and, if not, a proposed date for issuance of the Form FmHA 449–34.

§ 1980.853 [Amended]

16. In § 1980.853, the introductory text is amended in the first sentence by adding after the words, "Form FmHA 1940–3" the title, "Request for Obligation of Funds—Guaranteed Loans."

§ 1980.854 [Amended]

17. Section 1980.854 is amended by removing paragraph (a)(5).

§ 1980.856 [Amended]

18. In § 1980.856, the introductory text is amended at the end of the paragraph by changing the period "." to a colon ":", and paragraph (a) is amended in the last sentence by removing the word "paragraph" preceding "§ 1980.818(b)."

19. Section 1980.856 is amended by revising paragraphs (c) and (e)(1) and adding paragraphs (g) and (h), to read as follows:

§ 1980.856 Conditions precedent to issuance of the Loan Note Guarantee (Form FmHA 449–34).

* * * * *

(c) *Changes in terms and conditions in Form FmHA 449–14.* Once Form FmHA 449–14 is issued and accepted by the lender and borrower, the Commitment shall not be modified as to the scope of the project, overall facility concept, project purpose, use of proceeds, or terms and conditions. Only minor changes will be considered, unless otherwise provided for in this subpart.

* * * * *

(e) * * *

(1) A legal opinion relative to the title to rights-of-way and easements. Lenders are responsible for ensuring that borrowers have obtained valid, continuous, and adequate rights-of-way and easements needed for the construction, operation, and maintenance of a facility. Ordinarily, an opinion of counsel relative to rights-of-way similar to Form FmHA 442–22, "Opinion of Counsel Relative to Right-of-Way," is sufficient documentation for rights-of-way.

* * * * *

(g) *Review by OGC.* After the conditional commitment for guarantee has been issued and proposed closing documents prepared by the lender and forwarded to FmHA with the lender's legal counsel's opinion but prior to issuing the loan note guarantee, the State Director will forward the loan docket to the Regional Attorney for review. After an administrative review,

the State Director will include with the docket a letter with recommendations indicating any special items, documents or problems that need to be addressed specifically which may have a significant impact upon the loan or may be contrary to the regulation. Copies of the following documents should be submitted for OGC review:

(1) Letter from FmHA National Office authorizing loan guarantee containing conditions (if applicable);

(2) Form FmHA 449–14, including any amendments;

(3) Loan agreement;

(4) Promissory notes and/or bond transcript;

(5) Security documents—real estate mortgage, security agreement, financing statements, and leases (if applicable);

(6) Proposed Forms FmHA 449–34, 449–35, "Lender's Agreement," and 449–36 "Assignment Guarantee Agreement," if any;

(7) Proposed lender's certification (§ 1980.60 of Subpart A of this part); and

(8) Opinion of lender's counsel in form prescribed by OGC.

(h) *OGC advice.* The Regional Attorney will review the docket for legal sufficiency and furnish advice to FmHA. Such advice is for the benefit of FmHA only and does not relieve the lender of its responsibilities under FmHA regulations. Upon receipt of the Regional Attorney's advice, the State Director will correct or cause to be corrected any noted deficiencies before issuing the Loan Note Guarantee.

20. Section 1980.870(a) is amended by revising the last sentence to read as follows:

§ 1980.870 Loan servicing.

* * * * *

(a) * * * The State Director may waive the audit requirement for financial statements for borrowers with gross annual income of less than $100,000.

* * * * *

§§ 1980.871–1980.881 [Redesignated as §§ 1980.872–1980.882]

21. Current §§ 1980.871 through 1980.881 are redesignated as §§ 1980.872, through 1980.882, respectively and a new § 1980.871 is added to read as follows:

§ 1980.871 Loan classification.

All CP guaranteed loans will be classified by FmHA at loan closing and again whenever there is a change in the loan which would impact on the original classification. The loans will be classified as set out at § 1904.104 of subpart C of part 1904 of this chapter.

22. Newly redesignated § 1980.872 (a), (b), (d), and (e) are revised to read as follows:

§ 1980.872 Defaults by borrower.

(a) In case of any monetary or significant non-monetary default under the loan agreement, the lender is responsible for arranging a meeting with the District Director or designated representative and borrower to resolve the problem. A memorandum of the meeting listing the individuals in attendance and summarizing the problem and proposed solution will be prepared by the FmHA representative and retained in the loan file. When the District Director receives a notice of default on a loan, he/she will immediately notify the State Office in writing of the details. The District Director will notify the lender and borrower of any decision reached by FmHA.

(b) In considering servicing options, some of which are identified in paragraph X. A of Form FmHA 449–35, the prospects for providing a permanent cure without adversely affecting the risks to FmHA and the lender must become the paramount objective. Within the State Director's authority, temporary curative actions such as payment deferments or collateral subordination, must strengthen the loan and be in the best interest of the lender and FmHA. Some of these actions may require concurrence of the holder(s).

* * * * *

(d) When the State Office determines it is necessary on individual cases, due to some special servicing requirements, it may, at its option, assume the servicing responsibility.

(e) The State Director will report all deliquent and problem loans quarterly to the appropriate National Office program division by the 20th day of January, April, July, and October.

* * * * *

§ 1980.877 [Amended]

23. Newly redesignated § 1980.877(c) is amended in the first sentence by adding the words "to ineligible borrowers" between the words "Transfers" and "are."

24. Newly redesignated § 1980.877 is amended by redesignating current paragraphs (e)(5) and (e)(7) as paragraphs (e)(7) and (e)(5), respectively, and by amending newly redesignated paragraph (e)(7) in the second sentence by removing the words "Add, Delete, or Change, Guaranteed Loan Borrower Information" following the words "Form FmHA 1980–50."

§ 1980.878 [Amended]

25. Newly redesignated § 1980.878(b) is amended by revising the title "Distinguishing transfers from assumptions" to read "Distinguishing mergers from transfers and assumptions."

§ 1980.879 [Amended]

26. Newly redesignated § 1980.879(e) is amended by revising the heading "Method of liquidation" to read "Methods of liquidation," and current paragraphs (e)(4), (e)(4)(i), (e)(4)(ii), (e)(4)(ii)(A), (e)(4)(ii)(B), (e)(4)(ii)(C) and (e)(4)(iii) are redesignated as paragraphs (f), (f)(1), (f)(2), (f)(2)(i), (f)(2)(ii), (f)(2)(iii) and (f)(3), respectively.

* * * * *

Dated: April 2, 1991.

Roland R. Vautour,

Under Secretary for Small Community and Rural Development.

[FR Doc. 91–15188 Filed 6–25–91; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91–CE–15–AD; Amendment 39–7055; AD 91–14–14]

Airworthiness Directives; Beech Model 76 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Beech Model 76 airplanes. This action requires inspections of the main landing gear "A" frames for cracks. There have been reports of fatigue cracks developing on the main landing gear "A" frame assembly of Beech Model 76 airplanes. These cracks, if not detected and corrected, would cause the main landing gear to collapse. The actions specified by this AD are intended to prevent collapse and/or malfunction of the main landing gear.

DATES: Effective September 1, 1991. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 1, 1991.

ADDRESSES: Beech Service Bulletin No. 2361, dated February 1991 that is discussed in this AD may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. This information may also be examined at the FAA, Central Region,

Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Engler, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946–4409.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to Beech Model 76 airplanes was published in the **Federal Register** on March 22, 1991 (56 FR 12129). The action proposed inspections of the main landing gear "A" frame assemblies and, if found cracked, repair in accordance with the instructions in Beech SB No. 2361, dated February 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. These minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

It is estimated that 437 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 2 hours per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $48,070.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

AD 91–14–14 Beech: Amendment 39–7055; Docket No. 91–CE–15–AD. Applicability: Model 76 airplanes (all serial numbers), certificated in any category.

Compliance: Required within the next 50 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 100 hours TIS.

To prevent collapse and/or malfunction of the main landing gear, accomplish the following:

(a) Conduct both a visual inspection and dye penetrant inspection of the main landing gear "A" frame assembly (part number 105–810023–67 or P/N 105–810023–68) in accordance with the instructions in Beech Service Bulletin (SB) 2361, dated February 1991.

Note: During the inspection required by paragraph (a) of this AD, particular attention should be given to the tips of the gussets and the small corrosion treatment hole adjacent to the gusset.

(b) If cracks are found during the inspections specified in paragraph (a) of this AD, prior to further flight, replace the assembly with a serviceable part in accordance with Beech SB 2361, dated February 1991, and continue the 100-hour TIS inspection intervals.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

(e) The inspections and replacements required by this AD shall be done in accordance with Beech Service Bulletin No. 2361, dated February 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, DC.

This amendment becomes effective on September 1, 1991.

Issued in Kansas City, Missouri, on June 17, 1991.

J. Robert Ball,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR DOC: 91–15155 Filed 6–25–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 91–NM–25–AD; Amendment 39–7041; AD 91–13–10]

Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with Pratt and Whitney PW4000 Engines; and Model 767 Series Airplanes Equipped with Pratt and Whitney PW4000 or General Electric CF6–80C2–B6F Engines

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 747 and 767 series airplanes, which currently requires a limitation in the Airplane Flight Manual (AFM) that requires that the Engine Indication and Crew Alerting System (EICAS) Status Page be read, with all engines running, prior to each airplane departure. This procedures was prompted by the discovery that the "Engine Controls" advisory message does not function as intended. This condition, if not corrected, could result in overspeed or uncommanded shutdown of the affected engine or engines. This amendment requires the installation of new EICAS computers to provide proper message function and allow removal of the limitation from the AFM.

DATES: Effective August 12, 1991. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 12, 1991.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Seattle Aircraft Certification Office, Propulsion Branch, ANM–140S; telephone (206) 227–2686. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 89–10–06, Amendment 39–6210 (54 FR 19875, May 9, 1989), applicable to certain Boeing Model 747 and 767 series airplanes, to require installation of new EICAS computers to provide proper message function and allow removal of a limitation from the AFM, was published in the **Federal Register** on March 18, 1991 (56 FR 11380).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supported the proposal rule.

Since issuance of the NPRM, Boeing has issued Revision 1 of Service Bulletin 767–31–0033, which adds two airplanes to the effectivity of the service bulletin. The applicability statement of the final rule has been revised to reference this later revision. Both of these airplanes are operated by foreign operators under foreign registry and, therefore, are not directly affected by this action. Nevertheless, this revision is necessary to advise the cognizant foreign authorities that the subject unsafe condition may exist on these airplanes.

Paragraph D. of the final rule has been revised to specify the current procedure for submitting requests for approval of alternative methods of compliance.

The economic analysis, below, has been revised to increase the specified hourly labor rate from $40 per manhour (as was cited in the preamble to the Notice) to $55 per manhour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD activity to account for various inflationary costs in the airline industry.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither significantly increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 24 Model 767 and 19 Model 747 series airplanes of the affected design in the worldwide fleet. It is estimated that 2 Model 767 and 10 Model 747 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 manhours per airplane to accomplish the required actions, and that the average labor cost will be $55 per manhour. Replacement parts would be provided at no cost by the manufacturer. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,980.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administratiaon amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–6210 and by adding the following new airworthiness directive:

91–13–10. **Boeing:** Amendment 39–7041. Docket 91–NM–25–AD. Supersedes AD 89–10–06.

Applicability: Model 747 series airplanes equipped with Pratt and Whitney PW4000 engines, and Model 767 series airplanes equipped with either Pratt and Whitney PW 4000 or General Electric CF6–80C2–B6F engines; certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent overspeed or uncommanded shutdown of an engine, accomplish the following:

A. Within the next 3 days after May 22, 1989 (the effective date of Amendment 39–6210), add the following to the Limitations Section of the FAA–approved Airplane Flight Manual (AFM). This may be accomplished by inserting a copy of this AD in the AFM: "Prior to each departure, with all engines running, refer to the EICAS status page and determine the dispatch capability of the aircraft."

B. Within the next 24 months after the effective date of this AD, replace the EICAS computers in accordance with the appropriate service bulletin listed below. After replacement of the EICAS computers in accordance with the specified service bulletins, the AFM limitation required by paragraph A. of this AD may be removed.

1. For Model 747 series airplanes listed in Boeing Service Bulletin 747–31–2151, dated March 29, 1990.

2. For Model 767 series airplanes equipped with Pratt and Whitney PW4000 engines listed in Boeing Service Bulletin 767–31–0033, Revision 1, dated September 27, 1990.

3. For Model 767 series airplanes equipped with General Electric CF6–80C2–B6F engines listed in Boeing Service Bulletin 767–31–0038, dated April 12, 1990.

C. For airplanes not subject to paragraph B of this AD, within the next 30 days after the effective date of this AD, remove the AFM limitation required by paragraph A. of this AD.

D. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

F. The replacement requirements shall be done in accordance with the following Boeing Service Bulletins, which incorporate the following list of affected pages:

Service bulletin	Revision level	Date	Pages
747-31-2151.	Original.....	March 29,1990.	1-10
767-31-0033.	1.....	September 27, 1990.	1, 2, 4, 5
.....	Original.....	May 31, 1990.	3, 6, 7, 8, 9, 10
767-31-0038.	Original.....	April 12, 1990.	1-8

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, DC.

This amendment supersedes Amendment 39-6210, AD 89-10-06.

This amendment (39-7041, AD 91-13-10) becomes effective August 12, 1991.

Issued in Renton, Washington, on June 5, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-15151 Filed 6-25-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-CE-51-AD; Amendment 39-7056; AD 91-14-15]

Airworthiness Directives; Hoffmann Aircraft, Ltd., Model H-36 (Dimona) Motor Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Hoffmann Aircraft, Ltd., Model H-36 (Dimona) motor gliders. This action requires the replacement of any nonmetallic fuel tank with an aluminum tank. Service experience has shown that a nonmetallic fuel tank will develop a softened interior coating. This condition, if not corrected, leads to solid or rubber-like gelcoat fuel deposits, which obstruct the fuel from flowing to the engine on these motor gliders. The actions specified by this AD are intended to prevent these fuel deposits that could result in engine shutdown.

EFFECTIVE DATE: August 12, 1991.

ADDRESSES: Information that is related to this AD may be obtained from the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Carl F. Mittag, Brussels Aircraft Certification Office, Europe, Africa, Middle East Office, FAA, c/o American Embassy, 1000 Brussels; telephone (322) 513.38.30; facsimile (322) 230.68.99; or Mr. Herman Belderok, Small Airplane Directorate, Aircraft Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri; telephone (816) 426-6932; facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to certain Hoffmann Aircraft, Ltd., Model H-36 (Dimona) motor gliders was published in the **Federal Register** on February 27, 1991 (56 FR 8160). The action proposed the replacement of any glass fiber-reinforced plastic (GFRP) or fiber-reinforced plastic (FRP) fuel tank with an aluminum tank in accordance with the instructions in Hoffmann Aircraft, Ltd., Service Bulletin 13/1, dated October 23, 1989.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public. The FAA has subsequently determined that this AD action would be clearer and more understandable if the proposed service bulletin requirements were incorporated into the actual AD.

In addition, the economic analysis paragraph presented below has been revised to increase the specified hourly labor rate from $40 an hour (as was cited in the preamble of the notice of proposed rulemaking (NPRM)) to $55 an hour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD action to account for various inflationary costs in the aviation industry.

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for the change in the economic analysis and the addition of the service bulletin requirements into the AD. These minor changes will not alter the meaning of the AD nor add any additional burden upon the public than was already proposed.

The compliance time for this AD is reflected in both hours time-in-service (TIS) and calendar months. The FAA has determined that the unsafe condition should be corrected within the next 50 hours TIS; however, FAA records indicate that the yearly operational rates of the affected gliders vary immensely within the fleet. One operator may operate the glider 50 hours in six months, while another might not operate the glider 50 hours in one year. The condition of a nonmetallic fuel tank is not necessarily affected by actual operation of the motor glider since fuel deposits or soft spots could form in a fuel tank of any glider containing fuel. To avoid inadvertent grounding of the affected motor gliders and to assure that the unsafe condition is corrected on the affected motor gliders, compliance time is reflected in both hours TIS and calendar months.

It is estimated that 9 motor gliders in the U.S. registry will be affected by this AD, that it will take approximately 8.5 hours per motor glider to accomplish the required action, and that the average labor rate is approximately $55 an hour. Parts cost approximately $1,650 per motor glider. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $19,057.50.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the State, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

AD 91-14-15 Hoffmann Aircraft, Ltd.: Amendment 39-7056; Docket No. 90-CD-51-AD.

Applicability: Model H-36 Dimona motor gliders (serial numbers 3501 through 36143) that were supplied or equipped with a fuel tank made of glass fiber reinforced plastic (GFRP) or fiber reinforced plastic (FRP), certificated in any category.

Compliance: Required as indicated after the effective date of this AD, unless already accomplished.

To avoid engine shutdown caused by solid or rubber-like gelcoat fuel deposits, accomplish the following:

(a) Within the next 50 hours time-in-service (TIS) or within the next 6 calendar months, whichever occurs first, accomplish the following:

(1) Statically ground the glider and the fuel system.

(2) Empty the fuel tank through a drainer, ventilate the tank, and then remove the tank.

(3) Remove the gasoline filter and inspect the filter and the fuel lines for solid or rubber-like deposits. Remove any solid or rubber-like deposits and thoroughly clean the filter.

(4) Replace the GFRP or FRP fuel tank with an aluminum tank, Part Number 820.5.12 S3a, and reinstall the gasoline filter and reconnect the fuel lines.

(5) Using pen and ink, correct the glider weight and balance data sheet as follows:

(i) Decrease the empty weight by 2.2 pounds (1 kg).

(ii) Show a forward shift of 0.06 inches (1.5mm) of the empty weight center of gravity value.

(6) Using pen and ink, change the Maintenance and Inspection checklist, page 36 of the maintenance manual, by adding the following notations:

(i) "14. Check fuel lines and tank assembly for security and leaks."

(ii) Enter the symbol "0" in columns marked "100 hours" and "500 hours".

(b) If the aluminum tank required by paragraph (a)(4) of this AD has been ordered, but is not available, within the next 50 hours TIS or 6 calendar months after the effective date of this AD, whichever occurs first, and thereafter at intervals not to exceed 100 hours TIS or 12 calendar months, whichever occurs first, accomplish the following interim actions:

(1) Statically ground the glider and the fuel system.

(2) Empty the fuel tank through a drainer, ventilate the tank, and then remove the tank.

(3) Remove the gasoline filter and inspect the filter and the fuel lines for solid or rubber-like deposits. Remove any solid or rubber-like deposits and thoroughly clean the filter.

(4) Remove the finger filter and inspect it for solid or gelatinous deposits, remove any solid or gelatinous deposits, and thoroughly clean the filter.

(5) Perform the following inspections on the inner side of the fuel tank:

(i) Inspect for deposits through the filler hole with a mirror and light.

(ii) Inspect for softened spots in the gelcoat with a wood spatula.

(A) If no deposits or soft spots are found in the fuel tank as a result of these inspections, the glider may be operated until the fuel tank specified in paragraph (a)(4) of this AD becomes available.

(B) If any deposits or soft spots are found in the tank as a result of these inspections, prior to further flight, replace the fuel tank in accordance with the instructions of paragraph (a) of this AD.

(c) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office, 15, Rue de la Loi, B-1040 Brussels, Belgium, c/o American Embassy APO, New York, New York 09667. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

(d) Information that is related to this AD may be obtained from the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri. This amendment becomes effective on August 12, 1991.

Issued in Kansas City, Missouri, on June 18, 1991.

J. Robert Ball,

Acting Manager, Small Airplane Directorate Aircraft Certification Service.

[FR Doc. 91-15156 Filed 6-25-91; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 812

[Docket No. 85N-0331]

Cardiovascular Devices; Effective Date of Requirement for Premarket Approval; Replacement Heart Valve Allograft

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of applicability of a final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a notice to clarify that replacement heart valve allografts, devices, are subject to a final rule that was issued by FDA on May 13, 1987, requiring the filing of a premarket approval application (PMA) for all preamendment replacement heart valves, and those substantially equivalent to replacement heart valves. PMA's or investigational device exemptions (IDE's) will be required as described herein.

EFFECTIVE DATE: An approved PMA or IDE is required to be in effect on or before August 26, 1991.

FOR FURTHER INFORMATION CONTACT: Kenneth Palmer, Center for Devices and Radiological Health (HFZ-450), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1200.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 12, 1986 (51 FR 5296), FDA published a proposed rule to require the filing, under section 515(b) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(b)), of a PMA for the replacement heart valve. In accordance with section 515(b)(2)(A) of the act, FDA included in the preamble to the proposal the agency's findings with respect to the degree of risk of illness or injury designed to be eliminated or reduced by requiring the device to meet the premarket approval requirements of the act, and the benefits to the public from the use of the device (51 FR 5296 and 5297). The agency also provided an opportunity for interested persons to submit comments on the proposed rule and the agency's proposed findings. Under section 515(b)(2)(B) of the act, FDA provided an opportunity for interested persons to request a change in the classification of the device based on new information relevant to its classification.

FDA did not receive any petitions requesting a change in the classification of the generic type of the device identified as the replacement heart valve. The agency, however, received one comment in response to the February 12, 1986, proposed rule. The comment did not challenge the proposed rule, but instead made inquiry regarding the testing of replacement heart valves. Accordingly, in the **Federal Register** of May 13, 1987 (52 FR 18162), FDA issued a final rule requiring premarket approval for preamendment replacement heart valves, post amendment replacement heart valves that were found to be substantially equivalent to a preamendment heart valve before December 9, 1987, and any other replacement heart valve first intended for commercial distribution after December 9, 1987.

The classification of replacement heart valves describes the generic type of the device as follows:

> A replacement heart valve is a device intended to perform the function of any of the heart's natural valves. This device includes valves constructed of prosthetic materials, biologic valves (e.g., porcine valves), or valves constructed of a combination of prosthetic and biologic materials (21 CFR 870.3925(a)).

Replacement heart valve allografts squarely fit within the agency's classification regulation and, thus, must be subject to the premarket approval requirement of § 870.3925(b).

Specifically, a replacement heart valve allograft is intended to perform the function of any of the recipient's natural heart valves. Replacement heart valve allografts, by definition, are constructed of biologic materials in that they are human heart valves which are processed to assure shelf life and suitability for implantation in a recipient. There can be little question that the classification regulation for replacement heart valves, when construed to achieve the act's purpose of protecting the public health, must include replacement heart valve allografts.

Both the classification regulation and the regulation requiring premarket approval applications clearly demonstrate FDA's intent to subject all replacement heart valves to the agency's premarket approval process. The classification regulation § 870.3925(a), generally defines the function of a replacement heart valve and broadly identifies the materials from which a replacement heart valve may be constructed.

The regulation requiring premarket approval for replacement heart valves (§ 870.3925(a)) expressly covers preamendment valves; those which have been found to be substantially equivalent to a preamendment valve, prior to December 9, 1987 (the filing date for PMA's required by the regulation); and "[a]ny other replacement heart valve * * *." Simply put, FDA chose to protect the public health by subjecting devices constructed of virtually any material which are "intended to perform the function of any of the heart's natural valves" (§ 870.3925(a)), to premarket approval before permitting the use, or continuing the availability, of replacement heart valves.

FDA, consistent with its view of the regulation, considers replacement valve allografts to be substantially equivalent to preamendment replacement heart valves. FDA has not found any evidence of the preamendment interstate commercial distribution of the valve to consider it a preamendment product. (See section 513(f)(1) of the act.) However, if such evidence existed, the valve, as discussed above, would be within the classification regulation for preamendment heart valves. This is so because replacement heart valves, although differing in some respects, are all intended for the same use and raise similar safety, effectiveness, and regulatory concerns. Because devices are classified by generic type, all replacement heart valves are grouped together.

Some persons argue that FDA should not include replacement heart allografts within the classification for preamendment replacement heart valves. However, if valves derived from humans are considered unique devices first marketed after May 28, 1976, then the valves would require an approved PMA before marketing, and their regulatory status would be no different than if it were included within the classification for replacement heart valves.

If, however, the valves were considered apart from the existing classification regulation, and shown to be a preamendment device, then they would not be subject to FDA's assessment of safety and effectiveness for years. This view could only be based on a stilted, unrealistic reading of the classification regulation, and would be inconsistent with FDA's public health mission.

Because preamendment devices are not subject to FDA's premarket approval process until they are classified into class III after notice and comment rulemaking (see section 513 (b) through (d) of the act), and then, in a separate rulemaking subjected to premarket approval requirements (see section 515(b) of the act), if the valves were viewed as a unique preamendment device, replacement heart allografts legally would not in the interim be subject to any greater regulatory oversight than devices with little or no risk. This result is clearly inadequate to regulate a device that can raise signficant safety concerns, including causing the transmission of the acquired immunodeficiency syndrome virus.

FDA is mindful of the pediatric use of replacement valve allografts and their use in pregnant women. As a result, the agency has given manufacturers and processors of replacement value allografts substantial warning of the manner in which the agency would regulate the device. For example, in the fall of 1989 the Center for Devices and Radiological Health (CDRH) actively participated in a daylong workshop concerning human heart valves sponsored by the American Association of Tissue Banks. In June 1990, human heart valve processors were invited to meet with agency personnel to assist in the development of a heart valve allograft guidance document defining the content of premarket approval application submissions.

Additionally, at a July 1990 meeting of the Food and Drug Law Institute, CDRH's Dr. Gordon Johnson, stated FDA's general approach to the regulation of devices made of human tissue, including the agency's intention to regulate heart valve allografts as replacement heart valves, as described and classified in 1980. In August 1990, CDRH held a meeting of the Circulatory System Devices Advisory Panel to discuss the regulation of human heart valves. It has been clear for some time that FDA intended to regulate human heart valves as replacement heart valves, subject to the agency's 1987 PMA requirement.

To ensure that patients are protected, FDA believes that distribution of unapproved replacement valve allografts must be under an investigational device exemption. FDA's application of its regulatory controls should not diminish the availability of the valve. FDA's intent is to enforce the law, and provide persons who receive human heart valves adequate informed consent while requiring the systematic collection of device performance data. FDA believes that appropriate investigation of the device may occur without diminishing the availability of human heart valves.

The agency intends to review IDE applications in a phased manner. The critical first submission will, at a minimum, require a demonstration that the device is sufficiently safe to permit its continued use. FDA will provide written guidance regarding the content of an acceptable IDE and will work closely with IDE applicants to ensure the continued availability of the device. If information shows that a manufacturer's human tissue heart valve is unsafe, or that an applicant either is uncooperative in providing FDA necessary information or is unable to satisfy the agency's safety concerns, only then will that manufacturer's device be removed from distribution.

Accordingly, if a PMA for a replacement heart valve allograft is not approved on or before August 26, 1991, continued distribution of the device after this date will violate the act in that the device is deemed to be adulterated under section 501(f)(1)(A) of the act (21 U.S.C. 351(f)(1)(A)). The device may, however, be distributed for investigational use if the requirements of the IDE regulations (21 CFR part 812) are met.

FDA has concluded that investigational replacement heart valve allografts are significant risk devices as defined in § 812.3(m) and advises that the requirements of the IDE regulations regarding significant risk devices will apply to any clinical investigation of a replacement heart valve allograft For

any such investigational device, therefore, an IDE application submitted to FDA under § 812.20 is required to be in effect under § 812.330 before an investigation may be initiated or continued. FDA advises all persons who currently sponsor or intend to sponsor clinical investigations involving the device to submit an IDE application to FDA no later than July 26, 1991, to avoid the interruption in the distribution and investigation of the device.

Sponsors of ongoing clinical investigations should submit an IDE application in accordance with FDA's "Investigational Device Exemption (IDE) Manual." A PMA for a replacement heart valve allograft should be prepared and submitted in accordance with FDA's "Premarket Approval (PMA) Manual." Both publications are available upon request from the Center for Devices and Radiological Health (HFZ–220), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 800–638–1041, or 301–443–6597 in Maryland. All PMA's shall contain the information required by 21 CFR 814.20.

A new guidance detailing the in vitro testing, processing, characterization, validation, and clinical data information to be included in a PMA for a replacement heart valve allograft, is now available. This guidance is based upon comments received from members of the Circulatory System Devices Panel and the tissue banking industry at the August 20, 1990, Circulatory System Device Panel meeting. FDA will distribute this guidance to the tissue banks that are known to process replacement heart valve allografts. Copies are available upon request from the Center for Devices and Radiological Health (HFZ–220) at the above address and phone number. A copy may also be transferred by computer modem from the FDA Center for Devices and Radiological Health Electronic Bulletin Board Service. This bulletin board can be accessed by phone at 301–443–7496 and uses the following operating parameters: 1,200 baud, no parity, 8 data bits, 1 stop bit, and X modem protocol.

The document is issued under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs.

Dated: June 18, 1991.

James S. Benson,

Acting Commissioner of Food and Drugs.

[FR Doc. 91–15216 Filed 6–25–91; 8:45 am]

BILLING CODE 4160–01–M

PANAMA CANAL COMMISSION

35 CFR Part 9

RIN 3207–AA 27

Predisclosure Notification Procedures for Confidential Commercial Information

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: This rule adopts as final the interim rule implementing Executive Order 12600 which requires Federal agencies to establish predisclosure notification procedures applicable to Freedom of Information Act requests for the release of records containing commercial or financial information that is privileged or confidential if the disclosure of these records can reasonably be expected to result in substantial competitive harm to the person who submitted the information. The procedures substantially conform to Executive Order 12600, 52 FR 23781 (June 23, 1987) (3 CFR, 1987 Comp., p. 235).

EFFECTIVE DATE: June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Fuller, Assistant to the Secretary for Commission Affairs, Panama Canal Commission, Telephone: 202–634–6441 or Mrs. Carolyn H. Twohy, Chief, Administrative Services Division, Agency Records Officer, Telephone in Balboa Heights, Republic of Panama: 011–507–52–7757.

SUPPLEMENTARY INFORMATION: On March 18, 1991, the Panama Canal Commission published in the **Federal Register** at 56 FR 11373 an interim rule promulgating predisclosure notification procedures under the Freedom of Information Act for confidential commercial information, pursuant to Executive Order 12600 of June 23, 1987. The public was provided a 60-day comment period which ended on May 17, 1991. No comments were received during this period.

This rule is not a major rule for the purposes of Executive Order 12291 and it will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act. This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et. seq.

The publication of this notice is made in accordance with the Administrative Procedure Act, 5 U.S.C. 551, et. seq.

List of Subjects in 35 CFR Part 9

Confidential business information, Freedom of information, Organization and functions (Government agencies), Panama Canal, Statistics.

Accordingly, the interim rule amending 35 CFR part 9 published at 56 FR 11373, March 18, 1991, is adopted as a final rule without change.

Dated: June 7, 1991.

Joseph J. Wood,

Director, Office of Executive Administration.

[FR Doc. 91–15099 Filed 6–25–91; 8:45 am]

BILLING CODE 3640–04–M

35 CFR Part 255

RIN 3207–AA16

Employee Responsibilities and Conduct

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: The Panama Canal Commission is removing and reserving part 255 of its regulations pending the finalization and approval of a revised agency ethics regulation. The Panama Canal Commission Code of Conduct passed by the Commission's Board of Directors pursuant to 22 U.S.C. 3622, and part 255, will be replaced upon the approval of the future part 255. Said Code of Conduct remains in effect.

EFFECTIVE DATE: June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Mrs. Barbara A. Fuller, Assistant to the Secretary for Commission Affairs, Panama Canal Commission, 2000 L Street, NW., suite 550, Washington, DC 20036–4996 (202) 634–6441 or Mr. Theodore Lucas, General Attorney, Office of General Counsel, Panama Canal Commission, APO Miami 34011–5000 (telephone: 011–570–52–7511).

SUPPLEMENTARY INFORMATION: Since this action pertains to personnel of the Panama Canal Commission only, it is not necessary to issue a notice of proposed rulemaking under 5 U.S.C. 553. This regulation is not a major rule within the meaning of Executive Order 12291 (46 FR 13193, 3 CFR 1981 Comp., p. 127) and, therefore, a regulatory impact analysis has not been prepared. Further, the Administrator of the Commission certifies pursuant to 5 U.S.C. 605(b) that the regulation does not have an impact on small entities and is not, therefore, subject to the Regulatory Flexibility Act (5 U.S.C. 601–612).

List of Subjects in 35 CFR Part 255

Standards of conduct and ethics.

PART 255—[REMOVED AND RESERVED]

For the reasons set forth in the summary, under authority 22 U.S.C. 3622, part 255 of title 35 of the Code of Federal Regulations is removed and reserved.

Dated: June 19, 1991.

Joseph J. Wood,

Director, Office of Executive Administration.

[FR Doc. 91–15098 Filed 6–25–91; 8:45 am]

BILLING CODE 3640–04–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 200

RIN 0596–AA24

Organization, Functions, and Procedures; Land Status Records System

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations establish the Forest Service Land Status Records System as the official repository for all realty records and land title documents for National Forest System lands. The records include an accurate account of acreage, condition of title, administrative jurisdiction, rights held by the United States, administrative and legal use restrictions, encumbrances, and access rights on land or interests in land in the National Forest System. The intended effect of the rule is to expedite the process of authenticating records in court proceedings and to provide adequate notice to the public of the content and availability of the records.

EFFECTIVE DATE: This rule is effective June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Paul Haarala or Dennis Moonier, Lands Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090 (202) 453–9353.

SUPPLEMENTARY INFORMATION: The Transfer Act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472), the Weeks Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 521), and title III of the Bankhead-Jones Farm Tenant Act and acts supplemental to and amendatory thereof impose a duty upon the Secretary of Agriculture to execute the laws affecting lands permanently reserved, held, and administered as National Forests or for National Forest purposes. The National Forest Management Act of 1976 (90 Stat. 2949; 16 U.S.C. 1600) requires that the Secretary of Agriculture develop and maintain an appropriately detailed inventory of all National Forest System lands and resources.

The Land Status Records System was developed and is protected and maintained to be responsive to requests for land status, such as title condition, acreage, use restrictions, encumbrances, and so forth, for varying geographic National Forest areas, in response to Forest Service program needs and other Federal, State, and private inquiries. The system also provides land status information for recurring reports such as the annual National Forest System Land Areas Report, Payments-in-Lieu-of-Taxes report, and the 25 percent fund receipts distributed to States and counties report and for responding to special Congressional inquiries and other requests and studies.

For years, the Forest Service has established its land status records policies and procedures through the Agency's internal directive system. However, because of the legal status and value of these permanent records, there is a need to establish at a higher level of policy than internal Agency directive the minimum requirements governing Forest Service recordation, custody, maintenance, display, and use of official land status records. For instance, at present, the government has to authenticate the validity of its records in each court proceeding. This regulation will expedite this process.

Therefore, this rule establishes and gives public notice that the Land Status Records System contains the official records evidencing the landownership title, status, and jurisdiction for all National Forest System lands. The rule also establishes the broad components of the system and requirements for display, maintenance, and custody of these official land status and title records.

The Land Status Records System contains, but is not limited to, the following information:

1. The jurisdiction over and condition of title to lands administered as part of the National Forest System;
2. All encumbrances on National Forest System lands;
3. All partial interests administered by the Forest Service as part of the National Forest System;
4. All use restrictions on National Forest System lands; and
5. The acreage of National Forest System lands, including riparian lands.

Information in the Land Status Records System is updated on a regular basis to reflect changes that affect identification of National Forest System lands such as changes in congressional district boundaries; changes in administrative units (i.e. National Forests and Ranger Districts); changes in county and other governmental units (i.e., townships, boroughs, etc.), and corrections reflecting more accurate land surveys.

Each National Forest System unit maintains a Land Status Atlas for that forest which contains base maps keyed to tabular summaries and narrative records available for use and inspection by other Federal, State, and private entities.

This rule is of a technical nature. The rule establishes administrative procedures to be used by Forest Service employees and has no effect on the public or on the manner in which the public conducts business with the Agency. The Land Status Records System has been in existence for decades. The information in the records system and the manner in which it is collected, recorded, displayed, and maintained are, of necessity, determined by the Agency to meet its statutory responsibilities for management of the National Forest System.

The objective of the rule is (1) to simplify reference to, and recognition of, the land status records information in legal proceedings, (2) to assure proper authentication, custody, maintenance, and display of these records by Forest Service employees, and (3) to provide notice to the public of the content and availability of the records for public use at each National Forest System unit and each Forest Service headquarters office (36 CFR 200.2).

Environmental Impact

Based on both experience and environmental analysis, this final rule will have no significant effect on the human environment, individually or cumulatively. The rule involves routine administrative procedures of the Agency, and therefore, it is categorically excluded from documentation in an environmental assessment or an environmental impact statement (40 CFR 1508.4; 7 CFR part 1b).

Controlling Paperwork Burdens on the Public

This rule does not contain any record keeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 and therefore imposes no paperwork burden on the public. The burden of maintaining the records established by this rule rests solely on the Forest Service.

Regulatory Impact

This final rule is a technical rule related solely to internal Agency management and as such is not subject to review under USDA procedures and Executive Order 12291 on Federal Regulations.

Moreover, this rule has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), and it has been determined that this action will not have a significant economic impact on a substantial number of small entities. The rule imposes no requirements on the public.

Further, because this rule relates to internal agency management, it is, pursuant to 5 U.S.C. 553, not necessary to provide prior notice and opportunity to comment, and this rule may, therefore, be made effective less than 30 days from publication in the **Federal Register.**

List of Subjects in 36 CFR Part 200

Administrative practice and procedure, Freedom of information, and Organization and functions (Government agencies).

Therefore, for the reasons set forth in the preamble, part 200 of chapter II of title 36 of the Code of Federal Regulations is hereby amended as follows:

PART 200—[AMENDED]

1. The authority citation for part 200 is revised to read as follows:

Authority: 5 U.S.C. 552; 16 U.S.C. 4721, 521, and 1603.

2. Add a new § 200.12 to read as follows:

§ 200.12 Land status and title records.

(a) *Land Status records System.* The Land Status Records System is the official, permanent repository for all realty records and land title documents for national Forest System lands. It includes an automated database which contains an accurate account of: Acreage, condition of title, administrative jurisdiction, rights held by the United States, administrative and legal use restrictions, encumbrances, and access rights on land or interests in land in the National Forest System.

(1) *Components.* The system shall include, but is not limited to, the following components:

(i) A current and accurate Land Status Atlas for each National Forest, National Grassland, and other proclaimed or designated administrative unit, which shall graphically portray on maps keyed to a tabular summary the following categories of information:

(A) Jurisdiction of and condition of title to lands administered as part of the National Forest System.

(B) All encumbrances on National Forest System lands.

(C) All partial interests administered by the Forest Service on other lands.

(D) All use restrictions, withdrawals, and special designated areas on National Forest System lands.

(E) The acreage of National Forest System lands, including riparian lands.

(ii) A master Land Status File, from which the data for the Atlas is derived and which includes the following:

(A) Discrete title files of each landownership adjustment.

(B) The original authorizing documents establishing or adjusting National Forest System lands and interests therein.

(C) Withdrawals, use restrictions, and special designated areas on National Forest System lands.

(D) Other information as deemed necessary.

(iii) Such reporting systems as are needed to provide title or status reports.

(2) *Display of Information.* Information in the system may be collected and maintained in narrative, graphic, tabular, or other form and may be entered into and maintained in automated systems as well as produced in paper form in accordance with such administrative direction as the Chief of the Forest Service or Regional Foresters may establish.

(b) *Availability.* A Land Status Atlas shall be maintained at each National Forest administrative unit or subunit, such as Ranger Districts or National Recreation Area offices. Each Regional Office shall maintain copies of the Atlas for all National Forests within that Region. Related land title and realty records for each National Forest System unit shall be maintained at the administrative headquarters of that unit. The Land Status Atlas and such title and realty records as are held at an administrative unit shall be available for public inspection.

Dated: June 13, 1991.

James R. Moseley,

Assistant Secretary for Natural Resources and Environment.

[FR Doc. 91–15199 Filed 6–25–91; 8:45 am]

BILLING CODE 3410–01–M

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36 CFR Part 262

Reward for Information Leading to the Arrest and Conviction of Any Person Charged with Damaging or Stealing Any Portion of the Pacific Yew Tree

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the amount of reward that may be offered for information leading to the arrest and conviction of any person charged with damaging or stealing the Pacific yew tree, *Taxus brevifolia,* or any portion thereof, including but not limited to bark, twigs, needles and other foliage. The intended effect is to provide additional management and procedures for the protection of a national forest product that is vital to cancer research.

EFFECTIVE DATE: June 26, 1991.

FOR FURTHER INFORMATION CONTACT: F. Dale Robertson, Chief (2400), Forest Service, USDA, PO Box 96090, Washington, DC 20090–6090.

SUPPLEMENTARY INFORMATION: Each year approximately 12,000 women in the United States die of ovarian cancer. Taxol, an anticancer drug currently derived from Pacific yew tree bark, has proven to be an effective treatment for many patients in clinical trials conducted by the National Cancer Institute (NCI). It also shows promise in treatment of breast, lung and colon cancers. Taxol is in critical shortage, both for treatment and research. The medical community is very concerned about an adequate supply of yew bark to meet critical health care needs of citizens of the United States.

Pacific yew occurs on all major ownerships in the Northwest, with a major portion of the trees large enough to provide bark being located in the National Forests along the west-side of the Cascade Mountains in Oregon and Washington. Smaller amounts are located in eastern Oregon and Washington, and in Idaho, Montana, and northern California. Government efforts to provide materials effective in the treatment of cancer are being hampered by theft of Pacific yew bark from the National Forest System.

Recently, damage to and theft of Pacific yew trees and bark have occurred on three different national forests in three different states. The Secretary of Agriculture is authorized to "pay rewards from appropriations available for the protection and management of the national forests * * * for information leading to the arrest and conviction * * * for the unlawful taking of, or injury to, Government property." 16 U.S.C. 559a. Under current regulations at 36 CFR 262.1(a)(3) the reward that may be offered for information leading to the arrest and conviction of any person charged with destroying or stealing property of the United States cannot

exceed $5,000. Based on the need to protect this important resource located on national forests, this rule increases the maximum amount of reward to $10,000 that may be offered for information leading to the arrest and conviction of any person charged with damaging or stealing the Pacific yew tree, *Taxus brevifolia,* or any portion thereof, including but not limited to bark, twigs, needles and other foliage.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined in Public Law No. 96–354, the Regulatory Flexibility Act, that is subject to the provisions of that Act. This rule involves internal agency management and procedures and has no impact on the quality of the human environment, individually or cumulatively. Therefore, documentation of the effects of the rule in an environmental assessment or an environmental impact statement is not required. This rule also does not contain new recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 and, therefore, imposes no additional paperwork burden on the public.

List of Subjects in 36 CFR Part 262

Law enforcement, National forests.

Therefore, for the reasons set forth in the preamble, part 262 of title 36 of the Code of Federal Regulations is amended as follows:

PART 262—LAW ENFORCEMENT SUPPORT ACTIVITIES

1. The authority citation for part 262 continues to read as follows:

Authority: 30 Stat. 35, as amended (16 U.S.C. 551); sec. 1, 33 Stat. 628 (16 U.S.C. 472); 50 Stat. 526, as amended (7 U.S.C. 1011(f); 58 Stat. 736 (16 U.S.C. 559a).

Subpart A—Rewards and Payments

2. Amend § 262.1 by adding paragraph (a)(4) to read as follows:

§ 262.1 Rewards in connection with fire or property prosecutions.

* * * * *

(a) * * *

(4) Not exceeding $10,000 for information leading to the arrest and conviction of any person charged with damaging or stealing the Pacific yew tree, *Taxus brevifolia,* or any portion thereof, including but not limited to bark, twigs, needles and other foliage.

* * * * *

Signed in Washington, DC, on June 19, 1991.

Edward R. Madigan,

Secretary of Agriculture.

[FR Doc. 91–15200 Filed 6–25–91; 8:45 am]

BILLING CODE 3410–11–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 61

[FRL–3965–6]

New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS); Delegation of Authority to the State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: This document announces an extension of the delegation of authority agreement by EPA to the state of Nebraska. Sections 111(c) and 112(d) of the Clean Air Act allow the Administrator of EPA to delegate to a state government authority to implement and enforce the air pollution standards promulgated by EPA under 40 CFR parts 60 and 61. This delegation gives Nebraska that authority.

EFFECTIVE DATE: June 26, 1991.

ADDRESSES: All requests, reports, applications, submittals, and such other communications required to be submitted under 40 CFR parts 60 and 61, including notifications required to be submitted under subpart A or the regulations, for affected facilities or activities in Nebraska should be sent to Chief, Air Quality Division, Nebraska Department of Environmental Control, P.O. Box 98922, Statehouse Station, Lincoln, Nebraska 68509. A copy of all notices required by Subpart A also must be sent to Director, Air and Toxics Division, Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Carol D. LeValley, Air Planning and Development Section, Air Branch, Environmental Protection Agency, Region VII, at the above address or by calling (913) 551–7020 (FTS 276–7020).

SUPPLEMENTARY INFORMATION: Sections 111(c) and 112(d) of the Clean Air Act allow the Administrator of the EPA to delegate to any state government authority to implement and enforce the standards promulgated by the agency under 40 CFR parts 60 and 61. EPA retains concurrent authority to implement and enforce the delegated standards. The delegation shifts the primary responsibility for implementation and enforcement of the standards from EPA to the state government.

On August 7, 1984, EPA and the state of Nebraska entered into a delegation of authority agreement whereby Nebraska automatically receives authority to implement and enforce federal NSPS and NESHAP standards upon the adoption of the standards by the state government. (See 50 FR 933.)

Nebraska revised its rules to adopt, by reference, the NSPS standards for 40 CFR part 60, subparts Dc, III, NNN, QQQ, SSS, TTT, and VVV and the NESHAPS for 40 CFR part 61, subparts A, C, D, E, F, J, L, M, N, O, P, V, Y, BB, and FF. The adoption action and regulation changes became effective on February 20, 1991. The Nebraska Department of Environmental Control informed EPA of the adoption action in a letter dated March 8, 1991. EPA susequently acknowledged the adoption and the corresponding delegation of authority in a letter to NDEC on May 13, 1991. The delegation occurred under the terms of the above mentioned August 7, 1984, automatic delegation of authority agreement.

EPA hereby notifies interested individuals that, effective February 20, 1991, EPA delegated the authorization to implement and enforce the federally established standards for 40 CFR parts 60 and 61, subparts identified above, to the state of Nebraska.

This notice is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 7411 and 7412).

Dated: May 23, 1991.

Morris Kay,

Regional Administrator.

[FR Doc. 91–14340 Filed 6–25–91; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Parts 180 and 185

[OPP–300226A; FRL–3882–3]

RIN 2070–AB78

Dichlorvos; Revocation of Tolerance and Food Additive Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document revokes the tolerance for residues of the pesticide dichlorvos (2,2-dichlorovinyl dimethyl phosphate), also known as DDVP, in or on figs and the food additive regulation for dried figs. EPA is initiating this action because there are no remaining domestic registrations for the use of DDVP on figs.

EFFECTIVE DATE: This regulation becomes effective June 26, 1991.

ADDRESSES: Written objections, identified by the document control number, (OPP-300226A), may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Sepehr Haddad, Special Review and Reregistration Division (H7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Special Review Branch, rm. 2N5, Westfield Building, 3rd Floor, 2805 Jefferson Davis Hwy., Arlington, VA (703)-308-8027.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 13, 1991 (56 FR 5788), EPA issued a proposed rule to revoke the tolerance in or on figs, and the food additive regulation for dried figs, under sections 408 and 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA), for the pesticide dichlorvos (2,2-dichlorovinyl dimethyl phosphate), also known as DDVP. This revocation was proposed because DDVP is no longer registered for use on figs, and a tolerance is generally not necessary for a pesticide chemical which is not registered for the particular food use. Tolerances for residues of DDVP, expressed as parts per million (ppm) in or on raw agricultural commodities, are codified in 40 CFR 180.235. A tolerance of 0.1 ppm is set for residues of DDVP in or on figs. A food additive tolerance of 0.5 ppm for residues of DDVP in or on dried figs is codified in 40 CFR 185.1900.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the revocations will protect the public health. Therefore, the regulations are amended as set forth below.

Any person adversely affected by this regulation revoking the tolerance may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested and the requestor's contentions on each such issue.

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested.

This rule has been reviewed by the Office of Management and Budget as required under section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 11, 1991.

Linda J. Fisher,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR parts 180 and 185 are amended as follows:

PART 180—[AMENDED]

1. In part 180:

a. The authority citation for 40 CFR part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

§ 180.235 [Amended]

b. Section 180.235 *2,2-Dichlorovinyl dimethyl phosphate*, is amended in paragraph (a) by removing from the table therein the entry for figs.

PART 185—[AMENDED]

2. In part 185:

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 348.

b. Section 185.1900 is revised to read as follows:

§ 185.1900 2,2-Dichlorovinyl dimethyl phosphate.

The food additive 2,2-dichlorovinyl dimethyl phosphate may be present as a residue from application as an insecticide on packaged or bagged nonperishable processed food (see: 21 CFR 170.3(j)) in an amount in such food not in excess of 0.5 part per million (ppm). To assure safe use of the insecticide, its label and labeling shall conform to the label and labeling registered by the U.S. Environmental Protection Agency, and the usage employed shall conform with such label or labeling.

[FR Doc. 91-14957 Filed 6-25-91; 8:45 am]

BILLING CODE 6560-50-F

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40 CFR Part 372

[OPTS-400046A; FRL-3881-2]

Toxic Chemical Release Reporting; Community Right-To-Know; Sunset Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing a final regulation pertaining to the "sunset" provision of 40 CFR 372.30(e), the rule that implements section 313 of the Emergency Planning and Community Right-to-Know Act. Sunset provisions are deliberately designed to lapse after a certain period of time, unless explicitly extended. The range reporting option on the section 313 reporting form--allowing releases of less than 1,000 pounds of section 313 chemicals to be reported within specified ranges (e.g., 0 to 499 pounds) rather than as a specific number--would lapse after the 1989 reporting year if no action is taken. This final rule retains range reporting with only minor modifications. The preamble to the section 313 final rule also committed EPA to review the benefits of optional reporting on pollution prevention. The form that implements section 313 reporting for 1990 retains this optional section. Finally, this rule also replaces EPA Form R and Instructions in the Code of Federal Regulations (CFR) with a Notice of Availability and a listing of reportable data elements.

EFFECTIVE DATE: The rule becomes effective June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Eileen Gibson, Sunset Project Manager, Office of Toxic Substances (TS-779), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone (202) 475-7449 or, The Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail stop OS-120, 401 M St, SW., Washington, DC 20460,

Toll free: 800–535–0202, In Northern Virginia, and Alaska, 703–920–9877.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Statutory Authority

This rulemaking is issued under section 313 of The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11023).

B. Background

The final rule that implemented the toxic chemical release reporting form (EPA Form R) under section 313 (40 CFR part 372) and the reporting instructions contained a range reporting provision that would lapse after 1989 reporting unless EPA took specific action to retain it.

The range reporting option (40 CFR 372.30(e)) provided an alternative means of reporting relatively small quantities of chemical releases. Releases to the environment or off-site transfers of less than 1,000 pounds were reported in ranges (0 pounds, 1 to 499 pounds, 500 to 999 pounds) rather than as specific estimates. Specifically, part III, questions 5.1 to 5.5 on EPA Form R provided range reporting options for environmental releases of less than 1,000 pounds, while questions 6.1 and 6.2 allowed range reporting for transfers to publicly-owned treatment works and other off-site locations.

The sunset provision was included to insure Agency review of the utility of the range reporting option. In addition, the Agency also committed to reviewing another provision of Form R, the collection of optional pollution prevention data. Submitters of Form R may supply data on the impacts of their pollution prevention practices as they affect releases reported on the toxic chemical release reporting form. The optional question 8 on Form R allows submitters to indicate the type of pollution prevention modification undertaken, the amount of change (in pounds or as a percent) in waste quantity, a production index, and the reason for taking pollution prevention actions.

II. Range Reporting

Range reporting provided an option for reporting releases of less than 1,000 pounds per year to be reported as a check-off in one of three columns, 0 pounds, 1 to 499 pounds, and 500 to 999 pounds, rather than as a specific estimate for the release amount.

In the **Federal Register** of January 11, 1991 (56 FR 1154), EPA proposed to retain range reporting with a minor modification to provide for a low-end range (1 to 10 pounds) and to eliminate 0 as a range value. The Agency received comments from the National Association of State Title III Program Officials (NASTTPO), the State of Minnesota's Department of Public Safety, and a total of 16 comments from industry on this proposed rulemaking.

Thirteen commenters supported the Agency in its proposal to retain, but slightly modify the range reporting. For example, one commenter agreed that for purposes of reporting under EPCRA a ". . .range will adequately address the release reporting requirement while minimizing the burden of collecting data or performing time-consuming calculations." Another commenter said that dropping the zero from range reporting and simply stating there are zero emissions is a positive change.

Five commenters wanted to retain the range reporting as it is now with no modifications. One felt that modifying the ranges would make it difficult to compare data generated before and after the change. Another commented that a range of 1 to 10 could cause misunderstandings as to data precision and that if a facility can differentiate releases of 1 to 10 pounds that facility could simply list the specific pounds on the Form R. Another commenter suggested extending the low-end range to 1 to 99 pounds, on the grounds that a 1 to 10 pound range might reveal confidential business information on process and product information.

The Agency believes that the minor modification to the range reporting will have little impact on historical comparisons and will be more representative of low-end releases. The low-end range representative of minor releases is based on the recommendation of industry. The commenter that suggested the 1 to 10 pound range might compromise the confidentiality of product formulations, provided no information as to why a 1 to 99 pound range would be more protective of such confidentiality.

Commenters had only minor objections to the proposed modifications to the reporting scheme, and there was general agreement that the changes would increase the accuracy of reporting without significantly increasing the reporting burden. Accordingly, after reviewing these comments EPA has decided to retain range reporting with the one modification as proposed. A range of 1 to 10 has been added to the range reporting to capture small releases without the implication that they may be as large as 499 pounds. The options for range reporting are therefore: 1 to 10 pounds, 11 to 499 pounds, and 500 to 999 pounds. The "zero" has been dropped as a "range". Facilities that are confident that they have zero emissions would report them specifically as a "0". If, for any given release line item there is no possibility of release of that chemical to that environmental media, the facility may enter "NA".

III. Optional Pollution Prevention Reporting

Another provision discussed in the preamble of the proposed rule was the option to report waste minimization data as a means of documenting the pollution prevention practices at a facility. This optional question includes data on the degree of waste minimization (either pounds reduced or percent reduction) as well as information on the type of pollution prevention activity, the reason for undertaking it, and changes in production levels that might account for increases or decreases in chemical releases.

The Agency requested comments on whether the optional pollution prevention question should be retained. The Agency also asked for comment on how this data is being used, the value to the user, what can be learned from the data, and the least burdensome way to collect the information. Eleven of the 18 commenters addressed the pollution prevention reporting issue. Six supported the Agency's proposal and four supported it as long as the question remained optional, but would object if such reporting were required in future Toxic Release Inventory (TRI) reports. One commenter wanted the pollution prevention question eliminated entirely, and was concerned that should the information be required the costs of responding would be burdensome and duplicative. Other commenters suggested eliminating the optional question to avoid overlap with the new source reduction and recycling questions mandated by section 7 of the Pollution Prevention Act of 1990 (PPA).

Industry response on how pollution prevention data was used was limited. However, one commenter did say the Agency would not be able to use the data submitted under TRI because submission of the data is voluntary and limited in scope and as a result sampling is skewed and insufficient to identify industry trends. The commenter suggested the Agency develop an alternative reporting mechanism for collecting pollution prevention data that would include all waste streams and not limit reporting to only section 313 chemicals (which gives an incomplete picture of a facility's waste reduction efforts).

EPA does believe the retention of optional data for the 1990 reporting year will still be useful to identify pollution prevention actions on a company and chemical-specific basis. However, PPA section 7 mandates that specific data elements be gathered on source reduction and recycling activities beginning with the 1991 reporting year. The Agency intends to publish a proposed rule in the near future to add the new mandatory reporting requirements to Form R. This expanded set of questions will replace the optional section 8 of Form R.

IV. Removal of EPA Form R and Instructions from the CFR

Finally, EPA proposed a technical modification to the regulation that would remove EPA Form 9350-1 (Form R) and instructions from the CFR. They would be replaced by a listing of reportable data elements plus a Notice of Availability of the most current version of the form and instructions. Seven commenters concurred with the Agency's proposal, as a cost saving move and because this action would be consistent with removal of forms and instructions for other programs from the CFR. One commenter objected to this change stating that this proposal presents a serious due process problem. "Specifically, facilities submitting Form Rs could be subject to changing Agency interpretation of what constitutes a correct Form R response, with virtually no notice." As stated in the proposal, it has become standard practice for the Agency to replace form and instruction documents in the CFR with a notice of availability and a listing of reportable elements. EPA believes that this does not represent a serious due process problem because any substantive addition or deletion of form elements will always be subject to notice and comment rulemaking. Therefore, the Agency is amending the rule by substituting a Notice of Availability of the most current form and reporting instructions plus a listing of reportable data elements. Note that from proposal to final rulemaking some minor revisions have occurred in the regulatory text. These changes are either for clarification or were inadvertent omissions relative to required reporting elements.

V. Rulemaking Record

The record supporting this rule is contained in docket control number OPTS-400046A. All documents are available to the public in the TSCA Public Docket Office from 8 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Public Docket Office is located at EPA Headquarters, rm. NE-G004, 401 M St., SW., Washington, DC 20460.

VI. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore, requires a Regulatory Impact Analysis. EPA has determined that this rule is not a "major rule" because it will not have an effect on the economy of $100 million or more.

This rule has no significant impact on the section 313 reporting requirements for covered facilities since it essentially retains the status quo with only minor changes to the range reporting option. Therefore, this is a minor rule under Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, the Agency must conduct a small business analysis to determine whether a substantial number of small entities will be significantly affected. Because the proposed rule retains the status quo, the Agency certifies that small entities will not be significantly affected by the rule.

C. Paperwork Reduction Act

This rule retains reporting provisions cleared by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. under control number 2070-0093.

List of Subjects in 40 CFR Part 372

Chemicals, Community right-to-know, Environmental protection, Pollution prevention, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: June 11, 1991.

William K. Reilly,

Administrator.

Therefore, 40 CFR part 372 is amended as follows:

PART 372—[AMENDED]

1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11013 and 11028.

2. Section 372.30 is amended by revising paragraphs (a), (b)(3)(i), (b)(3)(iv), and removing paragraph (e) to read as follows:

§ 372.30 Reporting requirements and schedule for reporting.

(a) For each toxic chemical known by the owner or operator to be manufactured (including imported), processed, or otherwise used in excess of an applicable threshold quantity in § 372.25 at its covered facility described in § 372.22 for a calendar year, the owner or operator must submit to EPA and to the State in which the facility is located a completed EPA Form R (EPA Form 9350-1) in accordance with the instructions referred to in subpart E of this part.

(b) * * *

(3) * * *

(i) If the owner or operator knows the specific chemical identity of the toxic chemical and the specific concentration at which it is present in the mixture or trade name product, the owner or operator shall determine the weight of the chemical imported, processed, or otherwise used as part of the mixture or trade name product at the facility and shall combine that with the weight of the toxic chemical manufactured (including imported), processed, or otherwise used at the facility other than as part of the mixture or trade name product. After combining these amounts, if the owner or operator determines that the toxic chemical was manufactured, processed, or otherwise used in excess of an applicable threshold in § 372.25, the owner or operator shall report the specific chemical identity and all releases of the toxic chemical on EPA Form R in accordance with the instructions referred to in subpart E of this part.

* * * * *

(iv) If the owner or operator has been told that a mixture or trade name product contains a toxic chemical, does not know the specific chemical identity of the chemical and knows the specific concentration at which it is present in the mixture or trade name product, the owner or operator shall determine the weight of the chemical imported, processed, or otherwise used as part of the mixture or trade name product at the facility. Since the owner or operator does not know the specific identity of the toxic chemical, the owner or operator shall make the threshold determination only for the weight of the toxic chemical in the mixture or trade name product. If the owner or operator determines that the toxic chemical was imported, processed, or otherwise used as part of the mixture or trade name product in excess of an applicable threshold in § 372.25, the owner or operator shall report the generic chemical name of the toxic chemical, or a trade name if the generic chemical name is not known, and all releases of the toxic chemical on EPA Form R in

accordance with the instructions referred to in subpart E of this part.

* * * * *

3. Section 372.85 is revised to read as follows:

§ 372.85 Toxic chemical release reporting form and instructions.

(a) *Availability of reporting form and instructions.* The most current version of EPA Form R (EPA Form 9350–1 and subsequent revisions) and the instructions for completing this form may be obtained by writing to the Section 313 Document Distribution Center, P.O. Box 12505, Cincinnati, OH 45212. EPA also encourages facilities subject to this part to submit the required information to EPA by using magnetic media (computer disk or tape) in lieu of Form R. Instructions for submitting and using magnetic media may also be obtained from the address given in this paragraph.

(b) *Form elements.* Information elements reportable on EPA Form R or equivalent magnetic media format include the following:

(1) An indication of whether the report:

(i) Claims chemical identity as trade secret.

(ii) Covers the entire facility or part of a facility.

(2) Signature of a senior management official certifying the following: "I hereby certify that I have reviewed the attached documents and, to the best of my knowledge and belief, the submitted information is true and complete and that amounts and values in this report are accurate based upon reasonable estimates using data available to the preparer of the report."

(3) Facility name and address including the toxic chemical release inventory facility identification number if known.

(4) Name and telephone number for both a technical contact and a public contact.

(5) The four-digit SIC code(s) for the facility or establishments in the facility.

(6) Latitude and longitude coordinates for the facility.

(7) The following facility identifiers:

(i) Dun and Bradstreet identification number.

(ii) EPA identification number (RCRA I.D. Number).

(iii) NPDES permit number.

(iv) Underground Injection Well Code (UIC) identification number.

(8) The name(s) of receiving stream(s) or water body to which the chemical is released.

(9) Name of the facility's parent company and its Dun and Bradstreet identification number.

(10) Name and CAS number (if applicable) of the chemical reported.

(11) If the chemical identity is claimed trade secret, a generic name for the chemical.

(12) A mixture component identity if the chemical identity is not known.

(13) An indication of the activities and uses of the chemical at the facility.

(14) An indication of the maximum amount of the chemical on site at any point in time during the reporting year.

(15) Information on releases of the chemical to the environment as follows:

(i) An estimate of total releases in pounds per year (releases of less than 1,000 pounds per year may be indicated in ranges) from the facility plus an indication of the basis of estimate for the following:

(A) Fugitive or non-point air emissions.

(B) Stack or point air emissions.

(C) Discharges to receiving streams or water bodies including an indication of the percent of releases due to stormwater.

(D) Underground injection on site.

(E) Releases to land on site.

(ii) [Reserved]

(16) Information on transfers of the chemical in wastes to off-site locations as follows:

(i) For transfers to Publicly Owned Treatment Works (POTW):

(A) The name and address (including county) of each POTW to which the chemical is transferred.

(B) An estimate of the amount of the chemical transferred in pounds per year (transfers of less than 1,000 pounds per year may be indicated as a range) and an indication of the basis of the estimate.

(ii) For transfers to other off-site locations:

(A) The name, address (including county), and EPA identification number (RCRA I.D. Number) of each off-site location, including an indication of whether the location is owned or controlled by the reporting facility or its parent company.

(B) An estimate of the amount of the chemical in waste transferred in pounds per year (transfers of less than 1,000 pounds may be indicated in ranges) to each off-site location, and an indication of the basis for the estimate and an indication of the type of treatment or disposal used.

(17) The following information relative to waste treatment:

(i) An indication of the general type of wastestream containing the reported chemical.

(ii) The treatment method applied to the wastestream.

(iii) An indication of the concentration of the chemical in the wastestream prior to treatment.

(iv) An estimate in percent of the efficiency of the treatment plus an indication of whether the estimate is based upon operating data.

(v) An indication (use is optional) of whether treatments listed are part of a treatment sequence.

(18) Pollution prevention data (reporting is optional) which includes the type of pollution prevention modification, quantity of the chemical in the wastes prior to treatment and disposal (for both the current and prior reporting year), a production index, and the reason for the pollution prevention action. This optional reporting expires after the 1990 reporting year.

[FR Doc. 91–15063 Filed 6–25–91; 8:45 am]

BILLING CODE 6560–50–F

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 201–21 and 201–22

Implementation of the FIRMR Improvement Project; Correction

AGENCY: Information Resources Management Service, GSA.

ACTION: Final rule; correction.

SUMMARY: This document implements technical corrections to a final rule regarding republication of the Federal Information Resources Management Regulation (FIRMR), 41 CFR chapter 201, that began on page 53386 in the **Federal Register** of Friday, December 28, 1990, (55 FR 53386).

FOR FURTHER INFORMATION CONTACT: R. Stewart Randall, Jr., GSA, Office of Information Resources Management Policy, telephone (202) 501–3194 or FTS 241–3194 (v) or (202) 501–0657 or FTS 241–0657 (tdd).

In 41 CFR chapter 201 Implementation of the FIRMR Improvement Project; Final Rule, Republication of Chapter (FR Doc. 90–30137), beginning on page 53386 in the issue of Friday, December 28, 1990, make the following corrections.

PART 201–21—[CORRECTED]

§ 201–21.603 [Corrected]

1. On page 53405, in the third first column, in § 201–21.603(d)(4)(iii) is corrected to read "No recording of identification of public callers;".

2. On page 53405, in the first column, in § 201–21.603(e) the third line should read "21.603(c) (2), (3), and (4) of this section,".

PART 201-22—[CORRECTED]

§ 201-22.100 [Corrected]

3. On page 53405, in the third column, in § 201-22,100, the seventh line is corrected to add "in executive agencies" after resources.

Dated: June 19, 1991.

Margaret Truntich,

Chief, Regulations Branch.

[FR Doc. 91-15109 Filed 6-25-91; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Parts 4, 59a, and 64

RIN 0905-AA66

National Library of Medicine Programs

AGENCY: Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: These regulations govern the programs of the National Library of Medicine (NLM). The regulations permit the Regional Medical Libraries to recover part or all of the costs of providing photocopies of biomedical materials; improve readability of the regulations; and update references to statutory authorities and uniform administrative requirements.

EFFECTIVE DATE: These regulations are effective June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Migliore on (301) 496-4606.

SUPPLEMENTARY INFORMATION: These regulations, which pertain to the National Library of Medicine in whole or in part, were proposed for revision as part of the Department's effort to simplify and update its regulations. The notice of proposed rulemaking was published in the **Federal Register** on February 11, 1985. The public was given 60 days in which to comment on the proposed regulations.

No public comments were received and these regulations are the same as the proposed regulations, except for minor editorial changes. However, the enactment of the Health Research Extension Act of 1985 (Pub. L. 99-158) on November 20, 1985, caused renumbering and revision of the provisions of the Public Health Service Act (PHS Act) that authorize the NLM programs. The new PHS Act section numbers are included in this final rule. In addition, certain provisions of Public Law 99-158 provided the Directors of the national research institutes of the National Institutes of Health with new traineeship authority (section 405(b)(1)(C) of the PHS Act) that resulted in the decision to revise the existing regulations in 42 CFR part 63, rather than revoke as originally planned. Revisions to part 63 will be published in a new notice of proposed rulemaking at a future date.

Finally, the regulations that comprise this final rule are clarified and condensed as a result of the elimination of regulatory provisions that are obsolete, or that are already set forth in the HHS uniform requirements for the administration of financial assistance in 45 CFR part 74.

Information Collection Requirements

This final rule contains information collections which have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 and assigned control number 0925-0276. The title, description, and respondent description of the information collection are shown below with an estimate of the annual reporting and recordkeeping burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Title: National Library of Medicine Programs, 42 CFR part 4.

Description: These regulations govern access to the National Library of Medicine's facilities and library collections and the availability of its bibliographic, reproduction, reference, and related services.

Description of Respondents: Individuals, State or local governments, businesses or other for-profit organizations, Federal agencies or employees, non-profit institutions, small businesses or organizations.

Title: National Library of Medicine Grants, 42 CFR part 59a, Subpart A, Establishing, Expanding, and Improving Basic Resources.

Description: This subpart applies to grants of funds, materials, or both, for establishing, expanding, and improving basic medical library resources.

Description of Respondents: State or local governments, non-profit institutions.

Title: National Library of Medicine Grants, 42 CFR part 59a, Subpart B, Establishment of Regional Medical Libraries.

Description: This subpart applies to grants, contracts and cooperative agreements awarded for the establishment, expansion, and improvement of basic medical library resources.

Description of Respondents: State or local governments, non-profit institutions.

Title: National Library of Medicine Training Grants, 42 CFR part 64.

Description: These regulations apply to grants under section 472 of the Public Health Service Act to public and private non-profit institutions to assist in developing, expanding, and improving training programs in library science and the field of communications of information pertaining to sciences relating to health.

Description of Respondents: State or local governments, non-profit institutions.

ESTIMATED ANNUAL REPORTING AND RECORDKEEPING BURDEN

Section	Annual number of respondents	Annual frequency	Average burden for response	Annual burden hours
4.5 (NLM Reader Service Document Requests) Uses NIH 1865-1	25,000	On occasion	0.03	9,000
59a.4, 59a.14, 64.4 & 64.7 (Library Expansion Grants and Training Grants) Uses PHS 398 and 2271	164	1	15.00	2,460
64.7 (Report on Individual Trainees)	10	1	.15	1.5
Total				11,461

We received no public comments on the estimated public reporting burden.

Regulatory Impact and Regulatory Flexibility Analyses

These regulations are revised to improve readability, remove obsolete provisions, and permit certain fees to be recovered. The economic impact of this is expected to be minor. For these reasons, the Secretary has determined that this rule is not a "major rule" under Executive Order No. 12291 and a regulatory impact analysis is not required. Further, these regulations will not have a significant economic impact on a substantial number of small entities and, therefore, do not require a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980 (5 U.S.C. chapter 6).

Catalog of Federal Domestic Assistance

The *Catalog of Federal Domestic Assistance number* program affected by this final rule is: 13.879 Medical Library Assistance.

List of Subjects in 42 CFR Parts 4, 59a, and 64

Educational study programs, Grant programs—Education, Grant programs—Health, Libraries, Manpower training programs, Medical research.

Accordingly, parts 4, 59a, and 64 of title 42 of the Code of Federal Regulations are revised to read as set forth below.

Dated: November 9, 1990.

James O. Mason,

Assistant Secretary for Health.

Approved: April 3, 1991.

Louis A. Sullivan,

Secretary.

PART 4—NATIONAL LIBRARY OF MEDICINE

Sec.

Authority: 42 U.S.C. 216, 286.

§ 4.1 Programs to which these regulations apply.

(a) The regulations of this part govern access to the National Library of Medicine's facilities and library collections and the availability of its bibliographic, reproduction, reference, and related services. These functions are performed by the Library directly for the benefit of the general public and health-sciences professionals as required by sections 465(b) (3)–(6) of the Act (42 U.S.C. 286(b) (3)–(6)).

(b) The regulations of this part do not apply to:

(1) The Library's internal functions relating to the acquisition and preservation of materials and the organization of these materials as required by sections 465(b) (1) and (2) of the Act (42 U.S.C. 286(b) (1) and (2)).

(2) The availability of "records" under the Freedom of Information Act or the Privacy Act of 1974 (5 U.S.C. 552, 552a). These matters are covered in 45 CFR parts 5 and 5b.

(3) Federal assistance for medical libraries and other purposes which are authorized by sections 469–477 of the Act (42 U.S.C. 286b to 286b–8). (See parts 59a, 61 and 64 of this chapter.)

(4) The availability of facilities, collections, and related services of Regional Medical Libraries established or maintained under the authority in section 475 of the Act (42 U.S.C. 286b–6). (See part 59a, subpart B of this chapter.)

§ 4.2 Definitions.

As used in this part:

Act means the Public Health Service Act, as amended (42 U.S.C. 201 et seq.).

Collections means all books, periodicals, prints, audiovisual materials, films, videotapes, recordings, manuscripts, and other resource materials of the library. It does not include data processing tapes or programs used solely for internal processing activities to generate reference materials, nor does it include "records" of the Library as defined in 45 CFR 5.5. Records of the Library are available in accordance with the regulations under the Freedom of Information Act and Privacy Act of 1974. (See 45 CFR parts 5 and 5b.)

Director means the Director of the National Library of Medicine or the Director's delegate.

Health-sciences professional means any person engaged in: (1) The administration of health activities; (2) the provision of health services; or (3) research, teaching, or education concerned with the advancement of medicine or other sciences related to health or improvement of the public health.

Historical collection means: (1) Materials in the collections published or printed prior to 1914; (2) manuscripts and prints; (3) the archival film collection; and (4) other materials of the collections which, because of age, or unique or unusual value, require special handling, storage, or protection for their preservation, as determined by the Director.

Library means the National Library of Medicine, established by section 465 of the Act (42 U.S.C. 286).

Regional Medical Library means a medical library established or maintained as a regional medical library under section 475 of the Act (42 U.S.C. 286b–6).

§ 4.3 Purpose of the Library.

The purpose of the Library is to assist the advancement of medical and related sciences and aid the dissemination and exchange of scientific and other information important to the progress of medicine and the public health. The Library acquires and maintains library materials pertinent to medicine, including audiovisual materials; compiles, publishes, and disseminates catalogs, indices, and bibliographies of these materials, as appropriate; makes available materials, through loan or otherwise; provides reference and other assistance to research; and engages in other activities in furtherance of this purpose.

§ 4.4 Use of Library facilities.

(a) *General.* The Library facilities are available to any person seeking to make use of the collections. The Director may prescribe reasonable rules to assure the most effective use of facilities by health-sciences professionals and to protect the collections from misuse or damage. These rules must be consistent with the regulations in this part and applicable Department regulations and policies on nondiscrimination.

(b) *Reading rooms.* Public reading rooms are available for obtaining and reading materials from the collections. The Director may prescribe reasonable rules designed to provide adequate reading space and orderly conditions and procedures.

(c) *Study rooms.* Upon request a limited number of study rooms may be made available to individuals requiring extensive use of Library materials. Requests for study rooms shall be addressed in writing to the Director. The Director shall give priority, in the following order, for study room use to:

(1) Persons engaged in "special scientific projects" under section 473 of the Act (42 U.S.C. 286b–4),

(2) Health-sciences professionals, and

(3) The general public.

§ 4.5 Use of materials from the collections.

(a) *Unrestricted materials.* Except as otherwise provided in this section, materials from the collections are

generally available to any interested person only in facilities provided by the Library for this purpose. The Director may prescribe additional reasonable rules to assure the most effective use of the Library's resources by health-sciences professionals and to protect the collections from misuse or damage. The rules must be consistent with the regulations in this part and applicable Department regulations and policies on nondiscrimination. Materials in the collections are available upon each request which assures, to the Director's satisfaction, that the materials will be safeguarded from misuse, damage, loss, or misappropriation, and will be returned promptly after use or upon request of the Library.

(b) *Restricted materials*—(1) *Historical collection.* Materials from the historical collection are available only as the Director may permit to assure their maximum preservation and protection. Copies of these materials may be made available in the form of microfilm and other copies, for which reasonable fees may be charged.

(2) *Gifts.* Materials in the collections are available only in accordance with any limitations imposed as a condition of the acquisition of those materials, whether the acquisition was by gift or purchase.

(c) *Loans*—(1) *General.* Requests for loans of materials must assure the Library that (i) the materials will be safeguarded from misuse, damage, loss, or misappropriation and (ii) the materials will be returned promptly after use or upon request of the Library. The Library may provide copies in lieu of original materials, which need not be returned unless otherwise stated at the time of the loan.

(2) *Loans of audiovisual materials.* Audiovisual materials are available for loan under the same general terms as printed materials.

(3) *Loans to other libraries.* Upon request materials or copies are available for use through libraries of public or private agencies or institutions. The requesting library must assure that it has first exhausted its own collection resources, those of other local libraries in the geographic area, and those of the Regional Medical Library network (including Regional and Resource Libraries) before making a request for a loan.

(4) *Loans to health-sciences professionals.* The Director may make loans of materials directly to health-sciences professionals. An individual wishing a loan of library materials must assure to the satisfaction of the Director that the individual is geographically isolated, in terms of distance or available transportation, from medical literature resources likely to contain the desired material.

(Approved by the Office of Management and Budget—Control Number 0925–0276)

§ 4.6 Reference, bibliographic, reproduction, and consultation services.

(a) *General.* To the extent resources permit, the Library will make available, upon request, reference, bibliographic, reproduction, and consultation services. Priority will be given to requests from health-sciences professionals for services not reasonably available through local or regional libraries.

(b) *Specialized bibliographic services.* The Director may provide bibliographies on individually selected medical or scientific topics upon request where it is consistent with the Library's purpose. The Director may publish and make available for general distribution by the Library, bibliographic searches determined to be of general interest. The Library may also produce and distribute a limited number of bibliographies on topics of general interest to public or nonprofit health-related professional societies, research organizations, and other group users. These bibliographies may be produced on a regularly recurring or intermittent basis under contract between the Library and public or nonprofit agencies, when determined in each case by the Director to be necessary to assure more effective distribution of the bibliographic information.

(c) *Information retrieval system computer tapes.* To the extent Library resources permit and in order to further the Library's purpose, the Director may make available upon request by agencies, organizations, and institutions copies of all or part of the Library's magnetic tapes.

§ 4.7 Fees.

The Director may charge reasonable fees for any service provided by the Library under this part, in accordance with a schedule available at the Library upon request, which are designed to recover all or a portion of the cost to the Library of providing the service.

§ 4.8 Publication of the Library and information about the Library.

Lists of bibliographies, Library publications sold by the Government Printing Office, necessary application forms, and other information concerning the organization, operation, functions, and services of the Library, are available from the National Library of Medicine, Bethesda, Maryland 20894.

PART 59A—NATIONAL LIBRARY OF MEDICINE GRANTS

Subpart A—Grants for Establishing, Expanding, and Improving Basic Resources

Sec.

Subpart B—Establishment of Regional Medical Libraries

Subpart A—Grants for Establishing, Expanding, and Improving Basic Resources

Authority: 42 U.S.C. 286b–2, 286b–5.

§ 59a.1 Programs to which these regulations apply.

(a) The regulations of this subpart apply to grants of funds, materials, or both, for establishing, expanding, and improving basic medical library resources as authorized by section 474 of the Act (42 U.S.C. 286b–5).

(b) This subpart also applies to cooperative agreements awarded for this purpose. In these circumstances, references to "grant(s)" shall include "cooperative agreements(s)."

§ 59a.2 Definitions.

Undefined terms have the same meaning as provided in the Act. As used in this subpart:

Act means the Public Health Service Act, as amended (42 U.S.C. 201 et seq.).

Project period—See § 59a.5(c).

Related instrumentality means a public or private institution, organization, or agency, other than a medical library, whose primary function is the acquisition, preservation, dissemination, and/or processing of information relating to the health sciences.

Secretary means the Secretary of Health and Human Services and any other official of the Department of Health and Human Services to whom the authority involved is delegated.

§ 59a.3 Who is eligible for a grant?

Except as otherwise prohibited by law, any public or private nonprofit institution, organization, or agency authorized or qualified to carry on the functions of a medical library, and any

public or private related instrumentality, is eligible for a grant under this subpart.

§ 59a.4 How are grant applications evaluated?

The Secretary shall evaluate grant applications using the officers and employees, and experts, consultants, or groups engaged by the Secretary for that purpose. The Secretary's evaluation shall consider the scope of library or related services for the population and purposes served by the applicant. This evaluation shall include consideration of the following information which must be set forth in the grant application and such other information the Secretary considers pertinent:

(a) Evidence of the applicant's efficiency in providing services,

(b) Amount of available equipment and other resources on hand to satisfy the needs of the area served by the facility,

(c) Extent of coordination with other libraries and related facilities, and

(d) Potential for testing or demonstration of new or improved techniques in health-sciences informational services.

(Approved by the Office of Management and Budget—Control Number 0925–0276)

§ 59a.5 Awards.

(a) *General.* Within the limits of funds available, the Secretary may award grants to those applicants whose proposals for establishments, expansion, or improvement will, in the Secretary's judgment, best promote the purposes of section 474 of the Act (42 U.S.C. 286b–5).

(b) *Determination of award amount.* An award may not exceed $750,000 or other amount established by law for any fiscal year. Subject to these limits, the Secretary shall determine the amount of any award on the basis of:

(1) The scope of medical-library or related services provided by the applicant for the population and purposes it serves considering:

(i) The number of graduate and undergraduate students, and physicians and other practitioners in health-related sciences making use of the applicant's library resources;

(ii) The type and availability of library support staff;

(iii) The type, size, and qualifications of the faculty of any school with which the applicant is affiliated;

(iv) The staff of any hospitals or clinics with which the applicant's library is affiliated;

(v) The geographic area served and, within that area, the medical-library or related services otherwise available; and

(2) The amount adequate to insure continuing financial support from non-Federal sources of the applicant's proposed activity during and after the period of award. The Secretary shall consider the level of non-Federal support for the proposed activity for periods prior to the fiscal year in which a grant is made. The Secretary shall require the applicant's assurance that non-Federal support will not be diminished as a result of the award and that adequate support for this activity will be continued during and after the period of Federal assistance.

(c) *Project period.* (1) the notice of grant award specifies how long the Secretary intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for one to five years.

(2) Generally, the grant will initially be for one year at a time and subsequent continuation awards will also be for one year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding level of these awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by the Secretary that continued funding is in the best interest of the Federal Government.

(3) Neither the approval of any application nor the award of any grant commits or obligates the Federal Government in any way to make any additional, supplemental, continuation, or other award for any approved application or portion of an approved application.

§ 59a.6 How may funds or materials be used?

The grantee shall expend funds or use materials provided by a grant under this subpart solely for the purposes for which the funds or materials were granted, in accordance with the pertinent provisions of the approved application and budget, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles in subpart Q of 45 CFR part 74.

§ 59a.7 Other HHS regulations that apply.

Several other regulations apply to grants under this subpart. These include, but are not necessarily limited to:

42 CFR part 50, subpart D—Public Health Service grant appeals procedure
45 CFR parts 6 and 8—Inventions and patents
45 CFR part 16—Procedures of the Departmental Grant Appeals Board
45 CFR part 74—Administration of grants
45 CFR part 75—Informal grant appeals procedures
45 CFR part 76 subparts A–F—Governmentwide debarment and suspension (nonprocurement) and requirements for drug-free workplace (grants)
45 CFR part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services—effectuation of title VI of the Civil Rights Act of 1964
45 CFR part 81—Practice and procedure for hearings under part 80 of this title
45 CFR part 84—Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance
45 CFR part 86—Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance
45 CFR part 91—Nondiscrimination on the basis of age in HHS programs or activities receiving Federal financial assistance
45 CFR part 92—Uniform administrative requirements for grants and cooperative agreements to state and local governments

Subpart B—Establishment of Regional Medical Libraries

Authority: 42 U.S.C. 286b–2, 286b–6

§ 59a.11 Programs to which these regulations apply.

(a) This subpart applies to grants made under section 475 of the Act (42 U.S.C. 286b–6). Grants are awarded to medical libraries to enable them to serve as regional medical libraries for their geographic areas. The purpose of the program is to develop a national system of regional medical libraries, each of which would have sufficient facilities to supplement the services of other medical libraries in its region.

(b) The purpose of the program may also be supported by contracts. Since the primary purpose of these contracts is to assist regional libraries and is not for the purpose of acquiring supplies or services for use of the Federal Government, the provisions of the Federal Acquisition Regulation (48 CFR chapter 1) do not apply. Any contract awarded pursuant to section 475 of the Act shall be subject to the applicable provisions of this subpart.

§ 59a.12 Definitions.

Underfined terms have the same meaning as provided in the Act.

As used in this subpart:

Act means the Public Health Service Act, as amended (42 U.S.C. 201 et seq.).

Annual operating expenses means the average annual operating expenses for the actual years of operation or an estimated amount based on the expenses of libraries or institutions of similar size and function.

Board means the Board of Regents of the National Library of Medicine established by section 466 of the Act (42 U.S.C. 286a).

Geographic area means an area that forms an academically and professionally integrated region. Factors considered are location and extent of communication facilities and systems, presence and distribution of educational and medical and health facilities and programs and other activities which, in the Secretary's opinion, justify the establishment and operation of a regional medical library.

Modify and increase means the use of Federal funds or materials to supplement rather than supplant non-Federal funds available for library resources and services.

Project period—See § 59a.15(b).

Secretary means the Secretary of Health and Human Services and any other official of the Department of Health and Human Services to whom the authority involved is delegated.

§ 59a.13 Who is eligible for a grant?

Except as otherwise prohibited by law, any public or private nonprofit organization which is authorized and qualified to operate a medical library is eligible for a grant under this subpart.

§ 59a.14 How to apply.

In addition to any other pertinent information which the Secretary may require, the applicant shall submit a grant application containing a detailed description of a program to provide health-sciences informational services for the geographic area in which it is located. The description shall include:

(a) The need for services;

(b) The adequacy of the applicant's existing or proposed facilities and resources to attain the purposes stated in the application;

(c) The size and nature of the population to be served;

(d) The region to be served;

(e) Cooperative arrangements in effect, or proposed, with other qualified organizations; and

(f) The justification for the funds requested.

(Approved by the Office of Management and Budget—Control Number 0925–0276)

§ 59a.15 Awards.

(a) *General.* The Secretary, with the advice of the Board in each case, shall award grants to those applicants whose arrangements and proposed services will, in the Secretary's judgment, have the greatest potential for fulfilling the need for a regional medical library. The Secretary, in determining the priority assigned an applicant, must consider:

(1) The adequacy of the applicant's library in terms of collections, personnel, equipment, and other facilities; and

(2) The size and nature of the population to be served in the applicant's region.

(b) *Project period.* (1) The notice of grant award specifies how long the Secretary intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for one to five years.

(2) Generally, the grant will initially be for one year and subsequent continuation awards will also be for one year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding level of these awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by the Secretary that continued funding is in the best interest of the Federal Government.

(3) Neither the approval of any application nor the award of any grant commits or obligates the Federal Government in any way to make any additional, supplemental, continuation, or other award for any approved application or portion of an approved application.

§ 59a.16 What other conditions apply?

Although the Secretary may approve exceptions which are consistent with program purposes, in addition to other terms, conditions, and assurances required by law, each grantee must meet the following requirements:

(a) *Use of funds.* Any funds granted under this subpart shall be expended solely for the purpose for which the funds were granted in accordance with the approved application and budget, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles in subpart Q of 45 CFR part 74.

(b) *Library resources*—(1) *Provision of services.* The grantee shall modify and increase its library resources to provide supportive services to other health-sciences informational activities.

(2) *Access to and fees for services.* The grantee shall provide free loan services to qualified users or, in lieu of loans, make available photoduplicated or facsimile copies of biomedical materials which qualified requesters may retain. Reasonable fees may be charged for copies or other services (other than free loan services) provided by a grantee under this subpart: *Provided*, That equal access to the health-information resources of the region or of the national network is assured. These fees shall be designed to recover expenses. The grantee's access policies shall determine the qualifications of individuals or organizations for access to the services provided under the grant, so long as those policies are consistent with the mandatory service undertakings of the program. The Secretary may review the grantee's access policies to assure compliance with this requirement.

(Approved by the Office of Management and Budget—Control Number 0925–0276)

§ 59a.17 Other HHS regulations that apply.

Several other regulations apply to grants under this subpart. These include, but are not necessarily limited to:

42 CFR part 50, subpart A—Responsibilities of PHS awardee and applicant institutions for dealing with and reporting possible misconduct in science

42 CFR part 50, subpart D—Public Health Service grant appeals procedure

45 CFR parts 6 and 8—Inventions and patents

45 CFR part 16—Procedures of the Departmental Grant Appeals Board

45 CFR part 74—Administration of grants

45 CFR part 75—Informal grant appeals procedures

45 CFR part 76, subparts A–F—Governmentwide debarment and suspension (nonprocurement) and requirements for drug-free workplace (grants)

45 CFR part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services—effectuation of title VI of the Civil Rights Act of 1964

45 CFR part 81—Practice and procedure for hearings under part 80 of this title

45 CFR part 84—Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance

45 CFR part 86—Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance

45 CFR part 91—Nondiscrimination on the basis of age in HHS programs or activities receiving Federal financial assistance

45 CFR part 92—Uniform administrative requirements for grants and cooperative agreements to state and local governments

PART 64—NATIONAL LIBRARY OF MEDICINE TRAINING GRANTS

Sec.

Authority: 42 U.S.C. 216, 286b–3.

§ 64.1 Programs to which these regulations apply.

(a) The regulations of this part apply to grants under section 472 of the Public Health Service Act (42 U.S.C. 286b–3) to public and private nonprofit institutions to assist in developing, expanding, and improving training programs (excluding training in a biomedical specialty and residency training) in library science and the field of communications of information pertaining to sciences relating to health.

(b) The regulations of this part also apply to cooperative agreements awarded for these purposes. References to "grant(s)" shall include "cooperative agreement(s)."

(c) The regulations of this part do not apply to research training support under the National Research Service Awards Program (see part 66 of this chapter).

§ 64.2 Definitions.

As used in this part:

HHS means the Department of Health and Human Services.

Nonprofit private entity means an agency, organization, institution, or other entity which may not lawfully hold or use any part of its net earnings to the benefit of any private shareholder or individual which does not hold or use its net earnings for that purpose.

Other trainee costs means those costs other than stipends, such as tuition, fees, and trainee travel, which are directly associated with and necessary for the training of individuals receiving stipends and which are incurred within the period of training.

Project director means the single individual named by the grantee in the grant application and approved by the Secretary, who is responsible for the management and conduct of the project.

Project period. See § 64.6(b).

Secretary means the Secretary of Health and Human Services and any other official of HHS to whom the authority involved is delegated.

Stipend means a payment to an individual that is intended to help meet that individual's subsistence expenses during training.

Training grant means an award of funds to an eligible entity for a project authorized under § 64.1(a).

§ 64.3 Who is eligible for a grant?

Except as otherwise prohibited by law, any public or private nonprofit entity is eligible for a training grant.

§ 64.4 How to apply for a grant.

Applications for grants must include the following information:

(a) *Required information on the proposed project.* (1) The nature, duration, and purpose of the training for which the application is filed.

(2) The name and qualifications of the project director and any key personnel responsible for the proposed project.

(3) A description of the facilities, staff, support services, and other organizational resources available to carry out the project.

(4) The intended number of trainees and the minimum qualifications and criteria for their selection.

(5) A description of the plan for evaluating the proposed project.

(6) Other pertinent information the Secretary may require to evaluate the proposed project.

(b) *Required information on costs.* (1) A budget for the proposed project and a justification of the amount of grant funds requested.

(2) If institutional expenses are requested, a separate statement of the amounts requested for personal services, equipment, supplies, or other non-personal services.

(3) If stipend costs are requested, a statement for each grant year of the estimated number of individuals to whom stipends will be provided and the length of time for which the stipend support will be provided. If other trainee costs are requested, they must be separately stated and justified.

(Approved by the Office of Management and Budget—Control Number 0925–0276)

§ 64.5 How are grant applications evaluated?

The Secretary shall evaluate applications through the officers and employees, experts, consultants, or groups engaged by the Secretary for that purpose. The Secretary's evaluation will be for technical merit and shall take into account, among other pertinent factors, the significance of the project, the qualifications and competency of the project director and proposed staff, the adequacy of selection criteria for trainees for the project, the adequacy of the applicant's resources available for the project, and the amount of grant funds necessary for completion of its objectives.

§ 64.6 Awards.

(a) *Criteria.* Within the limits of available funds, the Secretary may award training grants to carry out those projects which:

(1) Are determined by the Secretary to be technically meritorious; and

(2) In the judgment of the Secretary best promote the purpose of the grant program as authorized by section 472 of the Act (42 U.S.C. 286b–3), the regulations of this part (see § 64.1), and address program priorities.

(b) *Project period.* (1) The notice of grant award specifies how long the Secretary intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for one to five years.

(2) Generally, the grant will initially be for one year and subsequent continuation awards will also be for one year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding level of these awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by the Secretary that continued funding is in the best interest of the Federal Government.

(3) Neither the approval of any application nor the award of any grant commits or obligates the Federal Government in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion of an approved application.

(4) Any balance of federally obligated grant funds remaining unobligated by the grantee at the end of a budget period may be carried forward to the next budget period, for use as prescribed by the Secretary, provided a continuation award is made. If at any time during a budget period it becomes apparent to the Secretary that the amount of Federal funds awarded and available to the grantee for that period, including any unobligated balance carried forward from prior periods, exceeds the grantee's needs for that period, the Secretary may adjust the amounts awarded by withdrawing the excess.

§ 64.7 What other conditions apply?

(a) Grants awarded under this part are subject to the following conditions:

(1) The grantee may not materially change the quality, nature, or duration of the project unless the written

approval of the Secretary is obtained prior to the change.

(2) The grantee must submit to the Secretary, in the manner prescribed by the Secretary, the name and other pertinent information regarding each individual who is awarded a stipend under a grant.

(b) The Secretary may impose additional conditions prior to the award of any grant under this part if it is determined by the Secretary that the conditions are necessary to carry out the purpose of the grant.

(Approved by the Office of Management and Budget—Control Number 0925–0276)

§ 64.8 How may funds be used?

A grantee shall expend funds it receives under this part solely in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the grant award, and the applicable cost principles in subpart Q of 45 CFR part 74. The funds may not be expended for:

(a) Compensation for employment or for the performance of personal services by individuals receiving training and instruction; or

(b) Payments to any individual who does not meet the minimum qualifications for training and instruction established by the grantee and approved by the Secretary or who has failed to demonstrate satisfactory participation in the training in accordance with the usual standards and procedures of the grantee.

§ 64.9 Other HHS regulations that apply.

Several other regulations apply to grants under this part. These include, but are not necessarily limited to:

42 CFR part 50, subpart D.	Public Health Service grant appeals procedure.
45 CFR part 16	Procedures of the Departmental Grant Appeals Board.
45 CFR part 74	Administration of grants.
45 CFR part 75	Informal grant appeals procedures.
45 CFR part 76 subparts A–F	Governmentwide debarment and suspension (nonprocurement) and requirements for drug-free workplace (grants).
45 CFR part 80	Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services—effectuation of title VI of the Civil Rights Act of 1964.
45 CFR part 81	Practice and procedure for hearings under 45 CFR part 80 of this title.
45 CFR part 84	Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance.
45 CFR part 86	Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance.
45 CFR part 91	Nondiscrimination on the basis of age in HHS programs or activities receiving Federal financial assistance.
45 CFR part 92	Uniform administrative requirements for grants and cooperative agreements to state and local governments.

[FR Doc. 91–15185 Filed 6–25–91; 8:45 a.m.]
BILLING CODE 4140–01–M

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42 CFR Part 57

RIN 0905–AD35

Grants for Faculty Training Projects in Geriatric Medicine and Dentistry

AGENCY: Public Health Service, HHS.

ACTION: Final regulations.

SUMMARY: This final rule amends the existing regulations governing the program for Grants for Faculty Training Projects in Geriatric Medicine and Dentistry authorized by section 789(b) of the Public Health Service Act (the Act) to clarify the definition of "fellowship program" and to revise a project requirement to provide a waiver provision of the number of entering fellows enrolled in each training program. The program supports projects which provide training for physicians and dentists who plan to teach geriatric medicine or geriatric dentistry.

DATES: This final rule is effective June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Marc L. Rivo, M.D., M.P.H., Director, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, room 4C–25, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; telephone: 301–443–6190.

SUPPLEMENTARY INFORMATION: On September 12, 1990, the Assistant Secretary for Health, with the approval of the Secretary of Health and Human Services, published in the **Federal Register** (55 FR 37478) final regulations governing programs administered under section 789(b) of the Act. Grants are awarded to accredited public or private nonprofit schools of medicine or osteopathic medicine, teaching hospitals and graduate medical education programs to provide support for projects to train physicians and dentists who plan to teach geriatric medicine or geriatric dentistry. Programs supported by these grants will emphasize the principles of primary care as demonstrated through continuity, ambulatory, preventive, and psychosocial aspects of the practice of geriatric medicine and dentistry. Grant funds may be requested for support of a 1-year retraining program in geriatrics and/or a 1-year or 2-year fellowship program in internal medicine or family medicine with emphasis in geriatrics.

The Department intends to clarify the level of prerequisite training requirements for physicians and dentists who wish to participate in a fellowship program. The statutory requirement for physicians is completion of a graduate medical education program in internal medicine, family medicine, psychiatry, neurology, gynecology, or rehabilitation medicine and, for dentists, completion of a postdoctoral dental education program. In § 57.4102 Definitions, the term "fellowship program" states, after paragraph (2) in the concluding text of the section, that "The minimal acceptable level of postdoctoral preparation for allopathic medical primary care disciplines is 3 years of formal training or board certification, and, for dentists, completion of at least 1 year of formal training in a postdoctoral dental education program." This could lead to some confusion since graduate medical education programs in psychiatry, neurology, gynecology, and rehabilitation medicine are more than 3 years in length and postdoctoral dental education programs can be more than 1 year in duration. Dental residents participating in these programs do not satisfy the statutory requirement after 1 year of training but rather after completion of the training program. Therefore, the Department is amending the definition of "fellowship program" by deleting the concluding text of the section.

The second amendment is to ease a restriction in paragraph (j), of § 57.4105 Project requirements. The current provision states that—

Effective in the second year of grant support, a minimum of three entering fellows, including at least one physician and one dentist, must be enrolled in each training program for which grant support is received

A new sentence is added to paragraph (j) to incorporate a waiver provision to read as follows:

The Secretary may suspend this requirement if the Secretary determines that a grantee has made a good faith effort to comply with the requirement and has met the other requirements stated in this section but is unable to have the required number of fellows in the program due to circumstances beyond its control.

The Department has found that the pool of applicants interested in pursuing fellowship training in geriatric medicine or geriatric dentistry is limited, making recruitment of well-qualified and interested physicians and dentists difficult. Therefore, a waiver provision has been added to allow for greater flexibility in the administration of this grant program. Grantees are to demonstrate that they have made a good faith effort to comply with this requirement through the various recruitment endeavors available in their institutions and at the national level.

Justification for Omitting Notice of Proposed Rulemaking

The first amendment described above is merely a clarification of the definition of "fellowship program," and does not substantially change the regulations. The second change will afford greater flexibility to both the Secretary and potential grantees in the administration of the grant program, in recognition of the difficulty faced by these training programs in recruiting qualified physicians and dentists. Accordingly, the Secretary has determined, pursuant to 5 U.S.C. 553, that it would be unnecessary and contrary to the public interest to obtain public comment on these amendments or to delay their effective date.

Paperwork Reduction Act of 1980

These amendments do not affect the recordkeeping or reporting requirements in the existing regulations for the Grants for Faculty Training Projects in Geriatric Medicine and Dentistry. However, for §§ 57.4110, 57.4112, and 57.4115, the Department is revising the parenthetical statement at the end of the section text to reflect a change in the OMB approval number.

List of Subjects in 42 CFR Part 57

Dental health, Education of the disadvantaged, Educational facilities, Educational study programs, Emergency medical services, Grant programs—education, Grant programs—health, Health facilities, Health professions, Loan programs—health, Medical and dental schools, Student aid.

(*Catalog of Federal Domestic Assistance, No. 93.156,* Grants for Faculty Training Projects in Geriatric Medicine and Dentistry)

Dated: March 22, 1991.

James O. Mason,

Assistant Secretary for Health.

Approved: June 7, 1991.

Louis W. Sullivan,

Secretary.

Accordingly, 42 CFR part 57, subpart PP is amended as set forth below:

PART 57—GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES, EDUCATIONAL IMPROVEMENTS, SCHOLARSHIPS AND STUDENT LOANS

Subpart PP—Grants for Faculty Training Projects in Geriatric Medicine and Dentistry

1. The authority citation for 42 CFR part 57, subpart PP continues to read as follows:

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, 67 Stat. 631 (42 U.S.C. 216); sec. 789(b) of the Public Health Service Act, as amended by Pub. L. 100–607, 102 Stat. 3136–3138 (42 U.S.C. 295g–9(b)).

§ 57.4102 [Amended]

2. Section 57.4102 is amended by revising the word "retaining" to read "retraining" in the definition of "Fellow"; and by removing the concluding text following paragraph (2) in the definition of "Fellowship program".

3. Section 57.4105 is amended by revising paragraph (j) to read as follows:

§ 57.4105 Project requirements.

* * * * *

(j) Effective in the second year of grant support, a minimum of three entering fellows, including at least one physician and one dentist, must be enrolled in each training program for which grant support is received. The Secretary may suspend this requirement if the Secretary determines that a grantee has made a good faith effort to comply with this requirement through the various recruitment means available in its institution and at the national level, and has met the other requirements stated in this section but is unable to have the required number of fellows in the program due to circumstances beyond its control.

§ 57.4106 [Amended]

4. Section 57.4106 is amended by revising the word "promoted" to read "promote" in the introductory text of paragraph (a).

5. Section 57.4110 is amended by revising the parenthetical statement at the end of the section text to read as follows:

§ 57.4110 What are the requirements for fellowships and the appointment of fellows?

* * * * *

(Approved by the Office of Management and Budget under control number 0915–0060)

6. Section 57.4112 is amended by revising the parenthetical statement at the end of the section text to read as follows:

§ 57.4112 Termination of fellowships.

* * * * *

(Approved by the Office of Management and Budget under control number 0915–0060)

7. Section 57.4115 is amended by revising the parenthetical statement at the end of the section text to read as follows:

§ 57.4115 What other audit and inspection requirements apply to grantees?

* * * * *

(Approved by the Office of Management and Budget under control number 0915–0060)

[FR Doc. 91–15184 Filed 6–25–91; 8:45 am]

BILLING CODE 4160–15–M

Proposed Rules

Federal Register
Vol. 56, No. 123
Wednesday, June 26, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 928

[Docket No. FV-91-292PR]

Expenses and Assessment Rate for the Marketing Order Covering Papayas Grown in Hawaii

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish an assessment rate for the 1991–92 fiscal year (July 1–June 30) under Marketing Order No. 928. The proposed expenditures and assessment rate are needed by the Papaya Administrative Committee (PAC) established under this order to pay its expenses and collect assessments from handlers to pay those expenses. The proposed action would enable the PAC to perform its duties and the marketing order to operate.

DATES: Comments must be received by July 8, 1991.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456. Three copies of all written material shall be submitted, and they will be made available for public inspection in the office of the Docket Clerk during regular business hours. All comments should reference the docket number, date, and page number of this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Gary D. Rasmussen, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 475–3918.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement and Marketing Order No. 928 (7 CFR part 928) regulating the handling of papayas grown in Hawaii. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the U.S. Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are about 120 handlers of Hawaiian papayas subject to regulation under the marketing order covering papayas grown in Hawaii and about 345 papaya producers in Hawaii. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural services firms are defined as those whose annual receipts are less than $3,500,000. The majority of the handlers and producers may be classified as small entities.

This marketing order, administered by the Department, requires that the assessment rate for a particular fiscal year shall apply to all assessable papayas handled from the beginning of such year. An annual budget of expenses is prepared by the PAC and submitted to the Department for approval. PAC members are handlers and producers of Hawaiian papayas. They are familiar with the PAC's needs and with the costs for goods, services, and personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the PAC is derived by dividing anticipated expenses by the expected pounds of assessable papayas shipped. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the PAC's expected expenses. The annual budget and assessment rate are usually acted upon by the PAC shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the PAC will have funds to pay its expenses.

The PAC met on May 2, 1991, and recommended a 1991–92 budget with expenditures of $746,650 and an assessment rate of $0.0085 per pound of assessable papayas shipped. The vote on the 1991–92 budget was nine in favor and two opposed. The two members who voted against the proposal did so because they wanted a lower budget and assessment rate.

The 1991–92 budget of $746,650 is generally similar in size and scope to the 1990–91 approved budget of $827,837, except for reductions of $50,000 research and $20,000 in travel. The 1991–92 assessment rate was $0.0085.

The proposed 1991–92 budget contains $336,650 for program administration, $400,000 for advertising and promotion, and $10,000 for research and development. Budgeted expenditures for 1990–91 were $367,837 for program administration, $400,000 for advertising and promotion, and $60,000 for research and development. The 1991–92 advertising, promotion, and research projects will be submitted for approval as soon as the 1991–92 budget is approved.

PAC income for 1991–92 is expected to amount to $748,660. Assessment income is estimated at $467,500, based on projected shipments of 55,000,000 pounds of assessable papayas. Other income includes $200,000 in promotional grants from the Hawaii Department of Agriculture, $63,360 from the USDA's Foreign Agricultural Service, $7,800 from the Japan Inspection Program, and $10,000 from miscellaneous sources including interest. Projected 1991–92

income over expenses ($2,010) would be placed in the PAC's operating reserve. The operating reserve, which is projected to amount to $49,235 on July 1, 1991, is well within the amount authorized under the marketing order.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, there costs would be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

A comment period of 10 days is deemed appropriate for this action, because approval of the expenses and assessments rates may be expedited. This marketing order's fiscal begins on July 1, 1991, and the PAC needs sufficient funds to pay its expenses which are incurred on a continuous basis.

List of Subjects in 7 CFR Part 928

Marketing agreements, Papayas, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 928 be amended as follows:

PART 928—PAPAYAS GROWN IN HAWAII

1. The authority citation for 7 part 928 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. New § 928.221 is added to read as follows:

§ 928.221 Expenses and assessment rate.

Expenses of $746,650 by the Papaya Administrative Committee are authorized, and an assessment rate of $0.0085 per pound of assessable papayas is established for the fiscal year ending June 30, 1992. Any unexpended funds from the 1991–92 fiscal year may be carried over as a reserve.

Dated: June 20, 1991.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91–15192 Filed 6–25–91; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 948

[Docket No. FV–91–293]

Irish Potatoes Grown in Colorado; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish an assessment rate under Marketing Order No. 948 for the 1991–92 fiscal period. Authorization of this budget would permit the Colorado Potato Administrative Committee, San Luis Valley Office (Area 2) (committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Comments must be received by July 8, 1991.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, Post Office Box 96456, room 2525–S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Post Office Box 96456, room 2525–S, Washington, DC 20090–6456, telephone 202–447–2431.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 97 and Order No.948, both as amended (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 88 handlers and approximately 285 producers of potatoes in Colorado Area 2. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of Colorado Area 2 potato producers and handlers may be classified as small entities.

The committee unanimously voted at its May 16, 1991, meeting to recommend its 1991–92 budget and assessment rate to the Secretary of Agriculture for consideration.

The committee, which is the agency responsible for local administration of the order, consists of producers and handlers of Colorado Area 2 potatoes. These producers and handlers are familiar with the committee's needs and with the costs of goods and services in their local area and are in a position to formulate an appropriate budget. The budget was formulated and discussed at a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The recommended assessment rate was derived by dividing anticipated expenses by expected shipments of fresh Colorado Area 2 potatoes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the committee's expenses. A recommended budget and rate of assessment is usually acted upon before the season starts, and expenses are incurred on a continuous basis.

The recommended budget for the 1991–92 fiscal year of $54,270 is $3,595 more than the previous year due to increases in salaries, employees' benefits, and office expenses. In Colorado, both a State and Federal marketing order operate simultaneously. The State order authorizes promotion, including paid advertising, which the Federal order does not. Administrative expenses that are shared are divided so that 50 percent is paid under the State and 50 percent under the Federal order

All promotion and advertising expenses are financed under the State order.

The 1990–91 recommended assessment rate of $0.004 per hundredweight of potatoes is the same as last year. This rate, when applied to anticipated fresh market shipments of 12,000,000 hundredweight, would yield $48,000 in assessment revenue. An additional $6,270 from the committee's authorized reserve would result in total funds of $54,270, which would be adequate to cover budgeted expenses. The projected reserve for the end of the 1991–92 fiscal period is estimated at $38,700, which would be carried over into the next fiscal year. This amount is within the maximum permitted by the order of two fiscal years' expenses.

While this action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the order. Therefore, the Administrator of the AMS has determined that this proposed action would not have a significant economic impact on a substantial number of small entities.

This action should be expedited because the committee needs to have sufficient funds to pay its expenses. The 1991–92 fiscal period for the program begins on September 1, 1991, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable Colorado Area 2 potatoes handled during the fiscal period. In addition, handlers are aware of this action which was recommended by the committee at a public meeting. Therefore, it is found and determined that a comment period of 10 days is appropriate becuase the budget and assessment rate approval for this program needs to be expedited. The committee needs to have sufficient funds to pay its expenses, which are incurred on a continuous basis. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 948 be amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR part 948 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. A new § 948.207 is added to read as follows:

§ 948.207 Expenses and assessment rate.

Expenses of $54,270 by the Colorado Potato Administrative Committee, San Luis Valley Office (Area 2) are authorized, and an assessment rate of $0.004 per hundredweight of assessable potatoes is established for the fiscal period ending August 31,1992. Unexpended funds may be carried over as a reserve.

Dated: June 20, 1991.

William J. Doyle.

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91–15191 Filed 6–25–91; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90–ASW–48]

Airworthiness Directives; Bell Helicopter Textron Inc. (BHT) Model 206A, 206B, 206BIII, 206L, 206L–1 and 206L–3 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require the removal from service and replacement of certain main transmission sungears and mating spur gears on certain BHT Model 206 series helicopters. The proposed AD is needed to prevent premature wear of the sungear teeth and mating parts which, if uncorrected, could result in transmission failure and loss of control of the helicopter.

DATES: Comments must be received on or before August 12, 1991.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Rules Docket, Office of the Assistant Chief Counsel, FAA, Fort Worth, Texas 76193–0007, Docket Number 90–ASW–48, or delivered in duplicate to room 158 of the Rules Docket, 4400 Blue Mound Road, Building 3B, Fort Worth, Texas. Comments delivered must be marked: Docket No. 90–ASW–48. Comments may be inspected at the above location in room 158, Building 3B, between 8 a.m. and 4 p.m., weekdays, except Federal holidays.

The applicable service bulletin may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Forth Worth, Texas 76101, or may be examined in the Rules Docket.

FOR FURTHER INFORMATION CONTACT: Mr. Donovan C. Duncan, Rotorcraft Directorate, Rotorcraft Certification Office, ASW–170, FAA, Southwest Region, Fort Worth, Texas 76193–0170, telephone (817) 624–5315.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the FAA before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, Office of the Assistant Chief Counsel, 4400 Blue Mound Road, room 158, Building 3B, Fort Worth, Texas, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: Comments to Docket Number 90–ASW–48. The postcard will be date/time stamped and returned to the commenter.

The FAA has received a report that manufacturing discrepancies exist on certain main transmission sungears, part number (P/N) 206–040–662–101, used on Bell Model 206A, 206B, 206BIII, 206L, 206L–1 and 206L–3 helicopters. The discrepancies are attributed to the insufficient tooth tip relief or improper tooth profile of the sun gear during machining. These parts were inadvertently delivered as serviceable parts. The discrepancies could result in the premature wear of the sungear teeth and the mating spur gears, potentially reducing the service life and resulting in premature failure of the transmission. Since this condition is likely to exist on

other helicopters of the same type design, the proposed AD would require the removal and replacement of these sungears and certain mating parts on Bell Model 206A, 206B, 206BIII, 206L, 206L–1 and 206L–3 helicopters.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this proposed regulation involves 31 helicopters at a cost of approximately $3,430 per helicopter for a total fleet cost of $106,330. No additional costs will be incurred by the owner/operator as the AD will be carried out in conjunction with the scheduled sungear inspection. Therefore, I certify that this action: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[Amended]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Bell Helicopter Textron, Inc. (BHTI): Docket No. 90–ASW–48.

Applicability: All Bell Model 206A, 206B, 206L, 206L–1 and 206L–3 helicopters, certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent premature wear of the sungear and mating spur gears which could result in transmission failure, accomplish the following:

(a) At the next inspection interval for the main transmission sungear, P/N 206–040–662–101, but no later than 1,500 hours' time in service after the effective date of this AD, remove and replace sungears which have the following serial numbers: SD–0005, SD–0010, SD–0020, SD–0022, SD–0023, SD–0024, SD–0025, SD–0026, SD–0027, SD–0031, SD–0033, SD–0034, SD–0035, SD–0036, SD–0037, SD–0039, SD–0040, SD–0043, SD–0044, SD–0046, SD–0054, SD–0055, SD–0057, SD–0060, SD–0062, SD–0065, SD–0066, SD–0067, SD–0068, SD–0069, SD–0071.

(b) In conjunction with (a), inspect the pinion spur gears which mate with the above listed sungears for micro pitting or hardlines in the gear teeth due to the insufficient tip relief or improper tooth profile of the sungear. Determine if wear or damage is within specified limits according to the applicable BHTI maintenance, repair and overhaul manuals.

(c) If the wear or damage exceeds the specified limits, remove and replace the affected spur gears with serviceable parts before further flight.

(d) An alternate method of compliance or adjustment of the compliance times which provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Certification Office, ASW–170, Rotorcraft Directorate, FAA, Fort Worth, Texas.

(e) Bell Helicopter Textron, Inc., Alert Service Bulletins No. 206–90–56, Rev. A, dated 1/15/91 or 206L–90–69, Rev. A, dated 1/15/91, as applicable, provide an acceptable, alternate means of compliance with this AD.

Issued in Forth Worth, Texas, on June 4, 1991.

Elizabeth Yoest,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 91–15153 Filed 6–25–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–CE–35–AD]

Airworthiness Directives; Eiravion Models PIK–20 and PIK–20B Sailplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would be applicable to Eiravion Models PIK–20 and PIK–20B sailplanes that are equipped with lead mass balance strips on the flaps and ailerons. This proposed action would require inspections of the lead mass balance strips on the flaps and ailerons for cracks, and replacement if cracks are found. The flap mass balance weight cracked on two of the affected sailplanes and separated from one of the affected sailplanes, which caused in-flight aileron control system restrictions. The actions specified in this proposed AD are intended to prevent loss of control of the sailplane because of interference to the ailerons.

DATES: Comments must be received on or before August 23, 1991.

ADDRESSES: Information that is related to this AD may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91–CE–35–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Carl F. Mittag, Program Manager, Brussels Aircraft Certification Staff, Europe, Africa, Middle East office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 322.513.38.30 extension 2710; or Mr. Herman Belderok, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426–6932; Facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this

proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91–CE–35–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The National Board of Aviation (NBA), which is the airworthiness authority for Finland, recently notified the FAA that an unsafe condition may exist on Eiravion Models PIK–20 and PIK–20B sailplanes that are equipped with lead mass balance strips on the flaps and ailerons. The NBA advises that the flap mass balance weight cracked on two of the affected sailplanes, and separated from one, which caused in-flight aileron control system restrictions. The NBA issued Finnish AD M 1479/87, Revision 1, in order to assure the airworthiness of these sailplanes in Finland. The sailplanes are manufactured in Finland and are type certificated for operation in the United States. Pursuant to a bilateral airworthiness agreement, the NBA has kept the FAA totally informed of the above situation.

The FAA has examined the findings of the NBA, reviewed all available information and determined that AD action is necessary for products of this type design that are certificated for operation in the United States. Since this condition could exist or develop in other Eiravion Models PIK–20 and PIK–20B sailplanes of the same type design that are equipped with lead mass balance strips on the flaps and ailerons, the proposed AD would require inspections of the lead mass balance strips on the flaps and ailerons for cracks, and replacement if cracks are found.

It is estimated that 61 sailplanes in the U.S. registry would be affected by this proposed AD, that it will take approximately 4 hours per sailplane to accomplish the proposed action, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $13,420.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Eiravion: Docket No. 91–CE–35–AD.

Applicability: Models PIK–20 and PIK–20B sailplanes (all serial numbers) that are equipped with lead mass balance strips on the flaps and ailerons, certificated in any category.

Compliance: Required within the next 25 hours time-in-service (TIS), unless already accomplished, and thereafter at intervals not to exceed 500 hours TIS.

To prevent interference to the ailerons that could result in loss of control of the sailplane, accomplish the following:

(a) Remove the flaps and ailerons and inspect the lead mass balance strips for cracks using a 10-power magnifying glass.

Note 1: Particular attention should be given to the attachment rivets during the inspections specified in paragraph (a) of this AD.

Note 2: If the sailplane is not equipped with mass balance strips on the flaps and ailerons, no further action is required by this AD.

(b) If cracking is detected in accordance with the inspections required by paragraph (a) of this AD, prior to further flight, fabricate and replace the mass balance strips in accordance with the following:

(1) Utilize strips made of malleable lead (not brittle or granular) that are the same weight and length.

(2) Attach the strips at the same rivet holes as the cracked one and bond the lead in place with epoxy resin.

(3) Keep the counter bore holes to the minimum depth in accordance with the applicable service manual.

(4) Install washers to the rivets on the glass-reinforced plastic face.

(5) Do not increase the diameter of any rivet.

(6) Ensure that the final mass balance of each flap and aileron complies with the applicable service manual.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the sailplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Staff, Europe, Africa, Middle East office, FAA, c/o American Embassy, 1000 Brussels, Belgium. The request should be forwarded through an FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Staff.

(e) All persons affected by this directive may obtain copies of information that is related to this AD upon request to the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Issued in Kansas City, Missouri, on June 4, 1991.

Don C. Jacobsen,

Acting Manager, Small Airplane Directorate, Aircraft Certificate Service.

[FR Doc. 91–15157 Filed 6–25–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91-ASW-11]

Airworthiness Directives; Schweizer Aircraft Corporation (Hughes Helicopters, Inc.) Model 269A, 269A–1, 269B(Including Military Model TH–55A) Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD) applicable to Schweizer Aircraft Corporation (Hughes Helicopters, Inc.) Model 269A, 269A–1, 269B (including military TH–55A) helicopters, which currently requires a one-time dye penetrant inspection and repetitive visual inspections of the tailboom center attachment (saddle) fitting for cracks, corrosion, fretting, or looseness. This notice proposes

retaining the present initial and repetitive visual inspections but would adopt new repetitive dye penetrant inspections. The proposed AD is needed to prevent fatigue failure of the tailboom center attachment (saddle) fitting which, in turn, could cause loss of the tailboom, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before August 12, 1991.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Rules Docket, Office of the Assistant Chief Counsel, FAA, 4400 Blue Mound Road, Fort Worth, Texas 76193–0007, Docket No. 91–ASW–11, or delivered in duplicate to Building 3B, room 158, of the Rules Docket, 4400 Blue Mound Road, Fort Worth, Texas. Comments must be marked: Docket No. 91–ASW–11. Comments may be inspected at the above location in building 3B, room 158, between 8 a.m. and 4:30 p.m. except Federal holidays.

The applicable service information may be obtained from: Schweizer Aircraft Corporation, P.O. Box 147, Elmira, New York 14902, or may be examined in the Rules Docket.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Socias, Aerospace Engineer, FAA, New York Aircraft Certification Office, Airframe Branch, ANE–172, New England Region, 181 S. Franklin Avenue, Valley Stream, New York 11581; telephone (516) 791–6220.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the FAA before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, and the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91–ASW–11". The postcard will be date/time stamped and returned to the commenter.

On February 25, 1980, the FAA issued AD 80–05–05, Amendment 39–3707 (45 FR 14540, March 6, 1980), to require within 25 hours time in service a one time dye penetrant inspection for cracks on the tailboom center attachment (saddle) magnesium fittings, part number (P/N) 269A2324–7, and a 100-hour interval repetitive visual inspection for cracks, corrosion, gretting, and looseness of the attachment fitting. Fittings with improper lug thickness were also required to be removed from service as prescribed. That action was prompted by reports of cracking of the tailboom fitting and fretting corrosion between the tailboom assembly and the center attachment fitting.

Since issuance of that AD, the manufacturer has received additional reports of cracking of the tailboom center attachment fitting which indicate that timely detection of cracks solely by visual inspections is not assured. The manufacturer recommends the addition of a repetitive dye penetrant inspection to maintain the airworthiness of the fitting installation instead of relying solely on the repetitive visual inspection presently prescribed. As a consequence, the FAA approved Schweizer Aircraft Corporation, Service Bulletin B–238, dated October 8, 1990, which provides inspection procedures for an initial dye penetrant inspection and repetitive visual and dye penetrant inspection for cracks of the tailboom center attachment magnesium fitting, P/N 269A2324–7, installed on Model 269A, 269A–1, 269B, and military Model TH–55A helicopters. Since the condition described is likely to exist or develop on other helicopters of the same type design, a new AD is proposed which would supersede AD 80–05–05, Amendment 39–3707 (45 FR 14540, March 6, 1,980). The proposal would retain the initial dye penetrant inspection for cracks of the tailboom center attachment magnesium fitting and would also retain the fitting and tailboom visual inspection at 100 hours' time in service intervals. It would, however, add a repetitive dye penetrant inspection of the fitting at 200 hours' time in service intervals. The proposed AD would not apply to tailbooms equipped with aluminum fittings, such as P/N 269A2324–11 or –13. The original design tailboom center attachment fitting, P/N 269A2324 (BSC), and other components, if installed, are subject to mandatory inspections as prescribed in AD 76–18–01, Amendment 39–2707 (41 FR 37093, September 2, 1976).

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels fo government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this proposed regulation involves 512 helicopters of U.S. registry, that it would take approximately 18 manhours per helicopter to accomplish the required actions, and that the average labor cost would be $55 per manhour. Parts are estimated to cost an additional $44,304. The total cost impact of the AD on U.S. operators for inspections and replacement of fittings is estimated to be no more than $551,184 each year. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); an (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria for the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 80–05–05, Amendment 39–3703 (46 FR 14540, March 6, 1980) and adding the following AD:

Schweizer Aircraft Corporation (Hughes Helicopters, Inc.) Docket No. 91–ASW–11.

Applicability: All Models 269A, 269A–1, 269B (including military model TH–55A), series helicopters, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent fatigure failure of the magnesium tailboom center attachment (saddle) fittings which could result in loss of the tailboom of the helicopter, accomplish the following:

(a) For helicopters with a magnesium tailboom center attachment fitting, P/N 269A2324–7, perform the following in accordance with the 269 Series Basic Handbook of Maintenance Information, as revised by Temporary Revision No. R–42, dated Octobver 8, 1990 (HMI):

(1) Within 25 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceedd 200 hours' time in service from the last inspection, inspect the magnesium tailboom center attachment fitting using a dye penetrant or equivalent inspection method in accordance with the HMI.

(2) Within 25 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, inspect the magnesium tailboom visually using a 10-power or higher magnifying glass, in accordance with the HMI.

(b) If cracks are found in the fitting or the fitting is otherwise unserviceable as a result of the inspections of (a) (1) or (2) above, replace the tailboom center attachment fitting, with a new aluminum fitting, P/N 269A2324–11 (undrilled) or –11T, or –13 as appropriate before further flight, as prescribed by the HMI referenced in paragraph (a).

Note: Schweizer Service Bulletin B–238, dated October 8, 1990, pertains to this AD.

(c) As an option, any uncracked tailboom center magnesium fitting, may be replaced with a new aluminum fitting, P/N 269A2324–11 (undrilled) or –11T or –13, as appropriate. Installation of an aluminum fitting constitutes terminating action for paragraph (a) of this AD.

(d) Aircraft may be ferried in accordance with the provisions of FAR §§ 21.197 and 21.199 to a base where the requirements of this AD can be accomplished.

(e) Alternate inspections, modifications, or other actions which provide an equivalent level of safety may be sued when approved by the Manager, New York Aircraft Certification Office, FAA, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581.

Issue in Forth Worth, Texas, on June 4, 1991.

Elizabeth Yoest,

Acting Manager, Rotocraft Directorate, Aircraft Certification Service.

[FR Doc. 91–15150 Filed 6–25–91; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56, 57, 58, 70, 71, 72, 75, and 90

RIN 1219–AA48

Air Quality, Chemical Substances, and Respiratory Protection Standards; Close of Record

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule; close of record.

SUMMARY: The Mine Safety and Health Administration (MSHA), is extending the comment period on the Agency's proposed rule revising existing standards for air quality, chemical substances and respiratory protection in mining. This extension will allow the public additional time to examine the comments and the background information on file at the Agency. The record will close on August 20, 1991.

DATES: Comments on the proposed rule must be received on or before August 30, 1991.

ADDRESSES: Send comments to: Mine Safety and Health Administration, Office of Standards, Regulations and Variances, room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA (703) 235–1910.

SUPPLEMENTARY INFORMATION: On August 29, 1989, MSHA published a proposed rule to revise its standards for air quality, chemical substances, and respiratory protection for coal, metal, and nonmetal mines (54 FR 35760). The Agency initially scheduled the written comment period for the proposed rule to close on November 27, 1989. On October 19, 1989, MSHA extended the comment period to March 2, 1990 (54 FR 43026) in response to requests from the mining community. On January 25, 1990 (55 FR 2535) the Agency set three separate comment periods for different provisions in the proposals and announced its intent to hold public hearings. The comment period for the first group of provisions closed on March 2, 1990, and hearings were held on June 4 and 7, 1990. The comment period for the second group of provisions closed on June 29, 1990, and hearings were held on October 12 and 19, 1990. The comment period for the third group of provisions closed on December 14, 1990, and hearings were held on March 19, 26, and 27, 1991.

The original date for the close of the record was June 7, 1991 (56 FR 8168). Members of the mining community have requested more time in which to examine comments and background information on file at the Agency. In response, MSHA will now leave the rulemaking record open until August 30, 1991. All comments must be submitted prior to that date.

Dated: June 17, 1991.

Edward C. Hugler,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 91–15100 Filed 6–25–91; 8:45 am]

BILLING CODE 4510–43–M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 503, 532, 552, and 570

[GSAR Notice 5–313]

General Services Administration Acquisition Regulation; Real Property Leasing Clauses

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Proposed rule.

SUMMARY: This notice invites comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) (APD 2800.12A), Chapter 5, that would make a number of revisions to the provisions and clauses prescribed for use in contracts for the acquisition of leasehold interests in real property to improve the leasing program. The matrix at 552.370 is updated to reflect changes contained in the provisions and clauses; however, the matrixes are not published in this document and do not appear in the Code of Federal Regulations. Copies may be obtained from the Director of the Office of GSA Acquisition Policy (VP), 18th and F Streets NW., Washington, DC 20405.

DATES: Comments are due in writing on or before July 26, 1991.

ADDRESSES: Comments should be addressed to Marjorie Ashby, Office of GSA Acquisition Policy (VP), 18th & F Streets NW., room 4026, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ida M. Ustad, Office of GSA Acquisition Policy (202) 501–1224.

SUPPLEMENTARY INFORMATION: The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from

Executive Order 12291. The exemption applies to this proposed rule. The proposed revisions regarding the use of various clauses and revisions and the requirements of them are not expected to have a significant impact on a substantial number of small entities as defined under the Regulatory Flexibility Act. The Paperwork Reduction Act does not apply because this rule does not require any reporting requirements or collection information from offerors, contractors, or members of the public that require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Parts 503, 532, 552, and 570

Government procurement.

Accordingly, part 503, 532, 552 and 570 are amended to read as follows:

1. The authority citation for 48 CFR parts 503, 532, 552 and 570 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 503—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

2. Section 503.104–10 is amended by revising paragraph (a) to read as follows:

503.104–10 Solicitation provisions and contract clauses.

(a) The contracting officer shall insert the provision at 552.203–71, prohibited Conduct, in solicitations for the acquisition of leasehold interests in real property involving 10,000 square feet or more or for more than 6 months.

* * * * *

3. Section 503.404 is amended by revising paragraph (a) to read as follows:

503.404 Solicitation provision and contract clause.

(a) The contracting officer shall insert the provision at 552.203–4, Contingent Fee Representation and Agreement, in solicitations and contracts for the acquisition of leasehold interests in real property involving 10,000 square feet or more or for more than 6 months.

* * * * *

PART 532—CONTRACT FINANCING

4. Section 532.908 is amended by revising paragraph (c) to read as follows:

532.908 Contract clause.

* * * * *

(c) The contracting officer shall insert the clause at 553.232–73, Electronic Funds Transfer Payment, in solicitations and contracts for acquisitions of leasehold interests in real property involving 10,000 square feet or more or for more than 6 months if payment may be made by electronic funds transfer.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

5. Section 552.270–10 is revised to read as follows:

552.270–10 Definitions.

As prescribed in 570.702–1, insert the following clause:

Definitions (XXX 1991)

The following terms and phrases (except as otherwise expressly provided or unless the context otherwise requires) for all purposes of this lease shall have the respective meanings hereinafter specified:

(a) *Commencement Date* means the first day of the term.

(b) *Contract* and *Contractor* means "Lease" and "Lessor", respectively.

(c) *Contracting Officer* means a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives of the Contracting Officer acting within the limits of their authority as delegated by the Contracting Officer.

(d) *Delivery Date* means the date specified in or determined pursuant to the provisions of this lease for delivery of the premises to the Government, improved in accordance with the provisions of this lease and ready for Government occupancy, as such date may be modified in accordance with the provisions of this lease.

(e) *Delivery Time* means the number of days provided by this lease for delivery of the premises to the Government, as such number may be modified in accordance with the provisions of this lease.

(f) *Excusable Delays* means delays arising without the fault or negligence of Lessor and Lessor's subcontractors and suppliers at any tier, and shall include, without limitation, (1) acts of God or of the public enemy, (2) acts of the United States of America in either its sovereign or contractual capacity, (3) acts of another contractor in the performance of a contract with the Government, (4) fires, (5) floods, (6) epidemics, (7) Guarantine restrictions, (8) strikes, (9) freight embargoes, (10) unusually severe weather, or (11) delays of subcontractors or suppliers at any tier arising from unforeseeable causes beyond the control and without the fault or negligence of both the Lessor and any such subcontractor or supplier.

(g) *Lessor* means the sub-lessor if this lease is a sublease.

(h) *Lessor shall provide* means the Lessor shall furnish and install at Lessor's expense.

(i) *Notice* means written notice sent by certified or registered mail, Express Mail or comparable service, or delivered by hand. Notice shall be effective on the date delivery is accepted or refuses.

(j) *Premises* means the space described on the Standard Form 2, U.S. Government Lease for Real Property, of this lease.

(k) *Substantially complete* and *substantial completion* means that the work, the common and other areas of the building, and all other things necessary for the Government's access to the premises and occupancy, possession, use and enjoyment thereof, as provided in this lease, have been completed or obtained, excepting only such minor matters as do not interfere with or materially diminish such access, occupancy, possession, use or enjoyment.

(l) *Work* means all alterations, improvements, modifications, and other things required for the preparation or continued occupancy of the premises by the Government as specified in this lease.

(End of Clause)

6. Section 552.270–11 is retitled and revised to read as follows:

552.270–11 Subletting and assignment.

As prescribed in 570.702–2, insert the following clause:

Subletting and Assignment (XXX 1991)

The Government may sublet any part of the premises but shall not be relieved from any obligations under this lease by reasons of any such subletting. The Government may at any time assign this lease, and be relieved from all obligations to Lessor under this lease excepting only unpaid rent and other liabilities, if any, therefore accrued.

(End of Clause)

7. Section 552.270–12 is retitled and the text of the clause is revised to read as follows:

552.270–12 Maintenance of building and premises—Right of entry.

As prescribed in 570.702–3, insert the following clause:

Maintenance of Building and Premises—Right of Entry (XXX 1991)

Except in case of damage arising out of the willful act or negligence of a Government employee, Lessor shall maintain the premises in good repair and condition so that it is suitable in appearance and capable of supplying such heat, air conditioning, light, ventilation, access and other things to the premises, without reasonably preventable or recurring disruption, as is required for the Government's access to, occupany, possession, use and enjoyment of the premises as provided in this lease. For the purpose of so maintaining the premises, the Lessor may at reasonable times enter the premises with the approval of the authorized Government representative in charge.

(End of Clause)

8. Section 552.270–13 is retitled and revised to read as follows:

552.270–13 Fire and casualty damage.

As prescribed in 570.702–4, insert the following clause:

Fire and Casualty Damage (XXX 1991)

If the premises are destroyed by fire or other casualty, this lease will immediately terminate. In case of partial destruction or

damage, so as to render the premises untenantable, as determined by the Government, the Government may terminate the lease by giving written notice to the Lessor within 15 calendar days thereafter; if so terminated, no rent will accrue to the Lessor after such partial destruction or damage; and if not so terminated, the rent will be reduced proportionately by supplemental agreement hereto effective from the date of such partial destruction or damage. Nothing in this lease shall be construed as relieving Lessor from liability for damage to or destruction of property of the United States of America caused by the willful or negligent act or omission of Lessor.

(End of Clause)

552.270–14 [Removed and Reserved]

9. Section 552.270–14 is removed and reserved.

10. Section 552.270–15 is retitled and revised to read as follows:

552.270–15 Compliance with applicable law.

As prescribed in 570.702–6, insert the following clause:

Compliance with Applicable Law (XXX 1991)

Lessor shall comply with all Federal, state and local laws applicable to the Lessor as owner or lessor, or both, of the building or premises, including, without limitation, laws applicable to the construction, ownership, alteration or operation of both or either thereof, and will obtain all necessary permits, licenses and similar items at Lessor's expense. Government will comply with all Federal, state and local laws applicable to and enforceable against it as a tenant under this lease; provided, nothing in this lease shall be construed as a waiver of any sovereign immunity of the Government. This lease shall be governed by Federal law.

[End of Clause)

11. Section 552.270–16 is retitled and revised to read as follows:

552.270–16 Inspection—Right of entry.

As prescribed in 570.702–7, insert the following clause:

Inspection—Right of Entry (XXX 1991)

(a) At any time and from time to time after receipt of an offer (until the same has been duly withdrawn or rejected), after acceptance thereof and during the term, the agents, employees and contractors of the Government may, upon reasonable prior notice to Offeror or Lessor, enter upon the offered premises or the premises, and all other areas of the building access to which is necessary to accomplish the purposes of entry, to determine the potential or actual compliance by the Offeror or Lessor with the requirements of the solicitation or this lease, which purposes shall include, but not be limited to: (1) Inspection, sampling and analysis of suspected asbestos-containing materials; (2) air monitoring for asbestos fibers; (3) inspecting for any leaks, spills, or other potentially hazardous conditions which may involve tenant exposure to hazardous or toxic substances (e.g., PCB's); and (4) inspecting for any current or past hazardous waste operators, to ensure that appropriate mitigative actions were taken to alleviate any environmentally unsound activities in accordance with Federal, State and local law.

(b) Nothing in this clause shall be construed to create a Government duty to inspect for toxic materials or to impose a higher standard of care on the Government. The purpose of this clause is to promote the ease with which the Government may inspect the building. Nothing in this clause shall act to relieve the Lessor of any duty to inspect or liability which might arise as a result of Lessor's failure to inspect for or correct a hazardous condition.

(End of Clause)

12. Section 552.270–17 is revised to read as follows:

552.270–17 Failure in performance.

As prescribed in 570.702–8, insert the following clause:

Failure in Performance (XXX 1991)

The covenant to pay rent and the covenant to provide any service, utility, maintenance, or repair required under this lease are interdependent. In the event of any failure by the Lessor to provide any service, utility, maintenance, repair or replacement required under this lease the Government may, by contract or otherwise, perform the requirement and deduct from any payment or payments under this lease, then or thereafter due, the resulting cost to the Government, including all administrative costs. Should the Government elect to perform any such requirement, the Government and each of its contractors shall be entitled to access to any and all areas of the building, access to which is necessary to perform any such requirement, and the Lessor shall afford and facilitate such access. Alternatively, the Government may so deduct the estimated cost (including administrative costs) to the Government of performing such requirement, as determined by the Contracting Officer. No deduction from rent pursuant to this clause shall constitute a default under this lease. These remedies are not exclusive and are in addition to any other remedies which may be available under this lease or at law.

(End of Clause)

13. Section 552.270–18 is retitled and revised to read as follows:

552.270–18 Successors Bound.

As prescribed in 570.702–9, insert the following clause:

Successors Bound (XXX 1991)

This lease shall bind, and inure to the benefit of, the parties and their respective heirs, executors, administrators, successors and assigns.

(End of Clause)

14. Section 552.270–21 is revised to read as follows:

552.270–21 Changes.

As prescribed in 570.702–12, insert the following clause:

Changes (XXX 1991)

(a) The Contracting Officer may at any time, by written order, make changes within the general scope of this lease in any one or more of the following:

(1) Specifications (including drawings and designs);

(2) Work or services; or

(3) Facilities or space layout.

(b) If any such change causes an increase or decrease in Lessor's cost of or the time required for performance under this lease, whether or not changed by the order, the Contracting Officer shall modify this lease to provide for one or more of the following:

(1) A modification of the delivery date;

(2) An equitable adjustment in the rental rate;

(3) A lump sum equitable adjustment; or

(4) An equitable adjustment of the annual operating costs per square foot specified in this lease.

(c) The Lessor shall submit proposals for adjustment.

(d) Absent such written change order, the Government shall not be liable to Lessor under this clause.

(End of Clause)

552.270–26 [Removed and Reserved]

15. Section 552.270–26 is removed and reserved.

16. Section 552.270–27 is revised to read as follows:

552.270–27 Delivery and Condition.

As prescribed in 570.702–18, insert the following clause:

Delivery and Condition (XXX 1991)

(a) Unless the Government elects to have the space occupied in increments, the space must be delivered ready for occupancy as a complete unit. The Government reserves the right to determine when the space is ready to occupy.

(b) If the premises do not in every respect comply with the provisions of this lease the Contracting Officer may, in accordance with the Failure in Performance clause of this lease, elect to reduce the rent payments.

(End of Clause)

17. Section 552.270–28 is retitled and revised to read as follows:

552.270–28 Default in delivery—Time extensions.

As prescribed in 570.702–19, insert the following clause:

Default in Delivery—Time Extensions (XXX 1991)

(a) With respect to Lessor's obligation to deliver the substantially completed premises by the delivery date (as such date may be modified pursuant to this lease), time is of the essence. If the Lessor fails to presecute the work with the diligence that will insure its substantial completion by the delivery date or fails to substantially complete the work by such date, the Government may by notice to the Lessor terminate this lease, which termination shall be effective when received

by Lessor. The Lessor and the Lessor's sureties, if any, shall be jointly and severally liable for any damages to the Government resulting from such termination, as provided in this clause. The Government shall be entitled to the following damages:

(1) The Government's aggregate rent and estimated real estate tax and operating cost adjustments for the firm term and all option terms of its replacement lease or leases, in excess of the aggregate rent and estimated real estate tax and operating cost adjustments for the term: *Provided*, If the Government procures replacement premises for a term (including all option terms) in excess of the term, the Lessor shall not be liable for excess Government rent or adjustments during such excess part of such term;

(2) All administrative and other costs borne by the Government in procuring a replacement lease or leases;

(3) Such other, additional relief as may be provided for in this lease, at law or in equity.

(4) Damages to which the Government may be entitled under this clause shall be due and payable thirty (30) days next following the date Lessor receives notice from the Contracting Officer specifying such damages.

(b) Delivery by Lessor of less than the minimum square footage required by this lease shall in no event be construed as substantial completion, except as permitted by the Contracting Officer.

(c) Except as provided in paragraph (a) of this clause, this lease shall not be terminated under this clause nor the Lessor charged with damages under this clause, if (1) the delay in substantially completing the work arises from excusable delays and (2) the Lessor within 10 days from the beginning of any such delay (unless extended in writing by the Contracting Officer) provides notice to the Contracting Officer of the causes of delay. The Contracting Officer shall ascertain the facts and the extent of delay. If the facts warrant such action, the delivery date shall be extended, by the Contracting Officer, to the extent of such delay at no additional costs to the Government. A time extension is the sole remedy of the Lessor.

(End of Clause)

552.270-29 [Removed and Reserved]

18. Section 552.270-29 is removed and reserved.

19. Section 552.270-31 is added to read as follows:

552.270-31 Measurement for payment.

As prescribed in 570.702-22, insert the following clause:

Measurement for Payment (XXX 1991)

When space is offered and accepted, the space will be mutualy measured upon delivery. Payment will be made on the basis of actual measurement; however, payment will not be made for delivered space which is in excess of the maximum square footage solicited. The annual rent will be calculated by multiplying the annual square foot rate times square footage.

(End of Clause)

20. Section 552.270-32 is added to read as follows:

552.270-32 Effect of acceptance and occupance.

As prescribed in 570.702-23, insert the following clause:

Effect of Acceptance and Occupancy (XXX 1991)

Neither the Government's acceptance of the Premises for occupancy, nor the Government's occupancy thereof, shall be construed as a waiver of any requirement of or right of the Government under this Lease, or as otherwise prejudicing the Government with respect to any such requirement or right.

(End of Clause)

21. Section 552.270-33 is added to read as follows:

552.270-33 Default by Lessor during the term.

As prescribed in 570.702-24, insert the following clause:

Default by Lessor During the Term (XXX 1991)

Each of the following shall constitute a default by Lessor under this lease:

(a) Failure to maintain, repair, operate or service the premises as and when specified in this lease, or failure to perform any other requirement of this lease as and when required provided any such failure shall remain uncured for a period of thirty (30) days next following Lessor's receipt of notice thereof from the Contracting Officer;

(b) Repeated and unexcused failure by Lessor to comply with one or more requirements of this lease shall constitute a default notwithstanding that one or all such failures shall have been timely cured pursuant to this clause;

(c) If a default occurs, the Government may, by notice to Lessor, terminate this lease for default and if so terminated, the Goverment shall be entitiled to the damages specified in the Default in Delivery Clause.

(End of Clause)

22. Section 552.270-34 is added to read as follows:

552.270-34 Subordination, non-disturbance and attornment.

As perscribed in 570.702-25, insert the following clause:

Subordination, Non-disturbance and Attornment (XXX 1991)

(a) Lessor warrants that it holds such title to or other interest in the premises and other property as is necessary to the Government's access to the premises and full use and enjoyment thereof in accordance with the provisions of this lease. Government agrees, in consideration of the warranties and conditions set forth in this clause, that this lease is subject and subordinate to any and all recorded mortgages, deeds of trust and other liens now or hereafter existing or imposed upon the premises, and to any renewal, modification or extension therof. It is the intention of the parties that this provision shall be self-operative and that no further instrument shall be required to effect the present or subsequent subordination of this lease. Government agrees, however, within twenty (20) business days next following the Contracting Officer's receipt of a written demand, to execute such instruments as lessor may reasonably request to evidence further the subordination of this lease to any existing or future mortgage, deed of trust or other security interest pertaining to the premises, and to any water, sewer or access easement necessary or desirable to serve the premises or adjoining property owned in whole or in part by Lessor if such easement does not interfere with the full enjoyment of any right granted the Government under this lease.

(b) No such subordination, to either existing or future mortgages, deeds of trust or other lien or security instrument shall operate to affect adversely any right of the Government under this lease so long as the Goverment is not in default under this lease. Lessor will include in any future mortgage, deed of trust or other security instrument to which this lease becomes subordinate, or in a separate non-disturbance agreement, a provision to the foregoing effect. Lessor warrants that the holders of all notes or other obligations secured by existing mortgages, deeds of trust or other security instruments have consented to the provisions of this clause, and agrees to provide true copies of all such consents to the Contracting Officer promptly upon demand.

(c) In the event of any sale of the premises or any portion thereof by foreclosure of the lien of any such mortgage, deed of trust or other security instrument, or the giving of a deed in lieu of foreclosure, the Government will be deemed to have attorned to any purchaser, purchasers, transferee or transferees of the premises or any portion thereof and its or their successors and assigns, and any such purchasers and transferees will be deemed to have assumed all obligations of the Lessor under this lease, so as to establish direct privity of estate and contract between Government and such purchasers or transferees, with the same force, effect and relative priority in time and right as if the lease had initially been entered into between such purchasers or transferees and the Government; provided, further, that the Contracting Officer and such purchasers or transferees shall, with reasonable promptness following any such sale or deed delivery in lieu of foreclosure, execute all such revisions to this lease, or other writings, as shall be necessary to document the foregoing relationship.

(End of Clause)

23. Section 552.270-35 is added to read as follows:

552.270-35 Statement of lease.

As prescribed in 570.702-26, insert the following clause:

Statement of Lease (XXX 1991)

(a) The Contracting Officer will, within thirty (30) days next following the

Contracting Officer's receipt of a joint written request from Lessor and a prospective lender or purchaser of the building, execute and deliver to Lessor a letter stating that the same is issued subject to the conditions stated in this clause and, if such is the case, that (1) the lease is in full force and effect; (2) the date to whch the rent and other charges have been paid in advance, if any; and (3) whether any notice of default has been issued.

(b) Letters issued pursuant to this clause are subject to the following conditions:

(1) That they are based solely upon a reasonably diligent review of the Contracting Officer's lease file as of the date of issuance;

(2) That the Government shall not be held liable because of a latent defect in or condition of the premises or building of which the Contracting Officer has no actual knowledge, nor for any defect in or condition of the premises or building discoverable upon reasonable prepurchase or precommitment inspection by an architect, engineer or other qualified consultant acting on behalf of the Lessor, prospective lender or purchaser;

(3) That the Contracting Officer does not warrant or represent that the premises or building comply with applicable Federal, State and local law; and

(4) That the Lessor, and each prospective lender and purchaser are deemed to have constructive notice of such facts as would be ascertainable by reasonable prepurchase and precommitment inspection of the Premises and Building and by inquiry to appropriate Federal, State and local Government officials.

(End of Clause)

24. Section 552.270–36 is added to read as follows:

552.270–36 Substitution of Tenant agency.

As prescribed in 570.702–27, insert the following clause:

Substitution of Tenant Agency (XXX 1991).

The Government may, at any time and from time to time, substitute any Government agency or agencies for the Government agency or agencies, if any, named in the solicitation.

(End of Clause)

25. Section 552.270–37 is added to read as follows:

552.270–37 No waiver.

As prescribed in 570.702–28, insert the following clause:

No Waiver (XXX 1991)

No failure by either party to insist upon the strict performance of any provision of this lease or to exercise any right or remedy consequent upon a breach thereof, and no acceptance of full or partial rent or other performance by either party during the continuance of any such breach shall constitute a waiver of any such breach of such provision.

(End of Clause)

26. Section 552.270–38 is added to read as follows:

552.270–38 Integrated agreement.

As prescribed in 570.702–29, insert the following clause:

Integrated Agreement (XXX 1991)

This Lease upon execution contains the entire agreement of the parties and no prior written or oral agreement, express or implied, shall be admissable to contradict the provisions of the Lease.

(End of Clause)

27. Section 552.270.39 is added to read as follows:

552.270–39 Mutality of obligation.

As prescribed in 570.702–30, insert the following clause:

Mutuality of Obligation (XXX 1991)

The obligations and covenants of the Lessor, and the Government's obligation to pay Rent and other Government obligations and covenants, arising under or related to this Lease, are interdependent. The Government may, upon issuance of and delivery to Lessor of a final decision asserting a claim against Lessor, set off such claim, in whole or in part, as against any payment or payments then or thereafter due the Lessor under this lease. No setoff pursuant to this clause shall constitute a breach by the Government of this lease.

(End of Clause)

PART 570—ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY

28. Section 570.503 is revised to read as follows:

570.503 Expansion requests.

(a) When expansion space is needed, the contracting officer must determine whether it is more prudent to provide the expansion space by supplemental agreement to the existing lease or to satisfy the requirement by relocation. A market survey must be conducted to determine whether suitable alternative locations are available. If the market survey reveals alternate locations that can satisfy the total requirement, a cost benefit analysis must be performed to determine whether it is in the Government's best interest to relocate. This analysis may include—

(1) The cost of the alternate space compared to the cost of expanding at the existing location;

(2) The cost of moving;

(3) The cost of duplicating existing improvements; and

(4) The cost of the unexpired portion of the firm term lease (unless a termination is possible, in which case the actural cost of such an action should be used).

(b) If no suitable alternative location is available and the cost of the space exceeds $25,000, a justification may be prepared for approval in accordance with FAR subpart 6.3 and subpart 506.3 in order to negotiate a Supplemental Lease Agreement to provide expansion space, provided the original lease term is not extended. When the cost is $25,000 or less, the contracting officer must prepare the justification for inclusion in the file.

29. Sections 570.701–1, 570.701–2, 570.701–3, 570.701–4, 570.701–5, 570.701–6, 570.702–1, 570.702–2, 570.702–3, 570.702–4, 570.702–6, 570.702–7,570.702–8, 570.702–9, 570.702–10, 570.702–11, 570.701–12 are revised and section 570.702–5 is removed and reserved to read as follows:

570.701–1 Preparation of offers.

The contracting officer shall insert a provision substantially the same as the provision at 552.270–1, Preparation of Offers, in solicitations for leasehold interests in real property involving 10,000 square feet or more or for more than 6 months.

570.701–2 Explanation to prospective offerors.

The contracting officer shall insert a provision substantially the same as the provision at 552.270–2, Explanation to Prospective Offerors, in solicitations for leasehold interests in real property in solicitations for leasehold interests in real property involving 10,000 square feet or more or for more than 6 months.

570.701–3 Late submissions, modifications, and withdrawals of offers.

The contracting officer shall insert a provision substantially the same as the provision at 552.270–3, Late Submissions, Modifications, and Withdrawals of Offers, in solicitations for leasehold interests in real property involving 10,000 square feet or more or for more than 6 months.

570.701–4 Historic preference.

The contracting officer shall insert a provision substantially the same as the provision at 552.270–4, Historic Preference, in solicitations for leasehold interests in real property involving 10,000 square feet or more or for more than 6 months. When the market survey indicated that space is available in both historic and non-historic buildings.

570.701–5 Lease award.

The contracting officer shall insert a provision substantially the same as the provision at 552.270–5, Lease Award, in solicitations for leasehold interests in real property involving 10,000 square feet or more or for more than 6 months.

570.701–6 Parties to execute lease.

The contracting officer shall insert a provision substantially the same as the provision at 552.270–6, Parties to Execute Lease, in solicitations for leasehold interests in real property involving 10,000 square feet or more or for more than 6 months.

570.702–1 Definitions.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–10, Definitions, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702–2 Subletting and assignment.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–11, subletting and assignment, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702–3 Maintenance of building and premises—right of entry.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–12, Maintenance of building and premises—Right of Entry, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702–4 Fire and casualty damage.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–13, Fire and Casualty Damage, in solicitations and contracts for leashold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702–5 [Reserved]

570.702–6 Compliance with applicable law.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–15, Compliance with Applicable Law, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702–7 Inspection—right of entry.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–16, Inspection—Right of Entry, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702–8 Failure in performance.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–17, Failure in Performance, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702–9 Successors bound.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–18, Successors Bound, in solicitations and contracts for leashold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702–10 Alterations.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–19, Alterations, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702–11 Proposals for adjustment.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–20, Proposals for Adjustment, in solicitations and contracts for leasehold interests in real property. If the lease is for more than 10,000 square feet and is for a period of more than 6 months, use the clause with its Alternate I.

570.702–12 Changes.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–21, Changes, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

31. Section 570.702–14 is revised to read as follows:

570.702–14 Operating costs.

If the operating cost escalation is necessary the contracting officer may use the clause at 552.270–23, Operating Costs, or develop a different clause for acquisitions of leasehold interests in real property. Because of the variations in circumstances and need to modify clause wording that may arise, no standard clause is prescribed. However, any clause develop by the contracting officer must provide for a base to be established, provide for upward and downward adjustment, and specify the timeframe for and method of payment.

32. Section 570.702–15 is revised to read as follows:

570.702–15 Tax adjustment.

If tax escalation is necessary the contracting officer may use the clause at 552.270–24, Tax Adjustment, or develop a different clause for acquisitions of leasehold interests in real property. Because of the variations in circumstances and need to modify clause wording that may arise, no standard clause is prescribed. However, any clause developed by the contracting officer must provide for a base to be established, provide for upward and downward adjustment, and specify the timeframes for and method of payment.

33. Sections 570.702–16, 570.702–18, 570.702–21 are revised, and sections 570.702–17 and 570.702–20 are removed and reserved to read as follows:

570.702–16 Adjustment for vacant premises.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–25, Adjustment for Vacant Premises, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702–17 [Reserved]

570.702–18 Delivery and condition.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–27, Delivery and Condition, in solicitations and contracts for leasehold interests in real property if

the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702-19 Default in delivery—time extensions.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–28, Default in Delivery—Time Extensions, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702-20 [Reserved]

570.702—21 Progressive occupancy.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–30, Progressive Occupancy, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

34. Sections 570.702–22, 570.702–23, 570.702–24, 570.702–25, 570.702–26, 570.702–27, 570.702–28, 570.702–29, and 270.702–30 are added to read as follows:

570.702-22 Measurement for payment.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–31, Measurement for Payment, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702-23 Effect of acceptance and occupancy.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–32, Effect of Acceptance and Occupancy, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702-24 Default by lessor during the term.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–33, Default by Lessor During the Term, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702-25 Subordination, nondisturbance and attornment.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–34, Subordination, NonDisturbance and Attornment, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702-26 Statement of lease.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–35, Statement of Lease, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702-27 Substitution of tenant agency.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–36, Substitution of Tenant Agency, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702-28 No waiver.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–37, No Waiver, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702-29 Intigrated agreement.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–38, Intigrated Agreement, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

570.702-30 Mutuality of obligation.

The contracting officer shall insert a clause substantially the same as the clause at 552.270–39, Mutuality of Obligation, in solicitations and contracts for leasehold interests in real property if the lease is for more than 10,000 square feet and is for a period of more than 6 months. Use of the clause is optional in leases for 10,000 square feet or less or for a period of less than 6 months.

Dated: June 14, 1991.

Richard H. Hopf, III,

Associate Administrator for Acquisition Policy.

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48 CFR Parts 516, 528, 536, 543, 548, 549, and 552

[GSAR Notice 5–303]

General Services Administration Acquisition Regulation; Provisions and Clauses (Design-Build Service Contracts)

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) that would revise certain GSAR provisions to accommodate the Public Buildings Service (PBS) plans to combine requirements for design, construction and operation and maintenance of a building or facility in a single solicitation and contract using a design-build concept; incorporate the substance of a class deviation from certain Federal Acquisition Regulation (FAR) provisions approved for use by PBS contracting activities; and add a matrix to outline the solicitation provisions and contract clauses that apply to contracts for design-build services. The matrixes are not published in this document and do not appear in the Code of Federal Regulations. Copies may be obtained from the Director of the Office of GSA Acquisition Policy (VP), 18th and F Streets NW., Washington, DC 20405.

DATES: Comments are due in writing on or before July 26, 1991.

ADDRESSES: Comments should be submitted to Marjorie Ashby, Office of GSA Acquisition Policy (VP), 18th and F Streets NW., room 4026, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ida M. Ustad, Office of GSA Acquisition Policy (202) 501–1224.

SUPPLEMENTARY INFORMATION:

A. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated September 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this proposed rule.

B. Regulatory Flexibility Act

The proposed rule does not appear to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it simply modifies certain FAR clauses as necessary to accommodate a contract that combines requirements for design, construction, and operation and maintenance of a building or facility in a single solicitation and contract under a design-build concept. Therefore, an initial regulatory flexibility analysis has not been performed. Comments from small entities concerning the affected GSAR sections will be considered in accordance with section 610 of the Act.

C. Paperwork Reduction Act

This proposed rule does not contain any recordkeeping or information collection requirements that require the approval of OMB under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Parts 516, 528, 536, 543, 548, 549, and 552

Government procurement.

Accordingly, it is proposed to amend 48 CFR parts 516, 528, 536, 543, 548, 549, and 552 as follows:

1. The authority citation for 48 CFR parts 516, 528, 536, 543, 549 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 516—TYPES OF CONTRACTS

2. Section 516.405 is revised to read as follows:

516.405 Contract clauses.

(a) Award fee clauses developed by contracting officers, under FAR 16.405(e), shall be prepared with the advice and assistance of counsel and be approved by the contracting director.

(b) The contracting officer may insert the clause at 552.216–16, Incentive Price Revision, in solicitations and contracts for design/build construction services instead of the clause at FAR 52.216–16 when a fixed price incentive contract is contemplated.

PART 528—BONDS AND INSURANCE

3. Section 528.101–3 is amended by revising paragraph (a) to read as follows:

528.101–3 Contract clause.

(a) The contracting officer shall insert a clause substantially the same as the clause at 552.228–70, Bid Guarantee and Bonds, in solicitations and contracts when a construction contract or a contract for dismantling, demolition, or removal of improvements is contemplated and a bid guarantee and bond requirement is to be included. The contracting officer may make minor changes in the wording of the clause when the bonding requirement only applies to a portion of the work required by the contract.

* * * * *

PART 536—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

4. Sections 536.303–70, 536.303–71, 536.303–72 and 536.370 are redesignated as §§ 536.270, 536.270.1, 536.270–2 and 536.270–3 respectively, and moved to subpart 536.2, and revised to read as follows:

536.270 Offers that include alternates and/or options.

536.270–1 Offers that include alternates.

(a) The base offer must include all features that are essential to a sound and adequate building design. However, if it appears that funds available for a project may be insufficient to include all desired features in the base offer, the contracting officer may issue a solicitation for a base offer and include one or more alternates in the order of priority. Alternates may be used only when they are clearly justified and should involve substantial amounts of work in relation to the base offer. Their use must be limited and should involve only "add" alternates.

(b) The language used in soliciting alternates must be approved in writing by counsel.

(c) All solicitations requiring a base offer and alternates must include the Alternate II provision at 552.236–73, Basis of Award—Construction Contract, which prescribes the method for evaluating offers.

(d) Before opening bids that include alternates, the contracting officer shall determine and record in the contract file the amount of funds available for the project. The amount recorded must be announced at the beginning of the bid opening and must be the controlling factor in determining the low bidder. This amount may be increased later when determining the alternate items to be awarded to the low bidder, provided that the award amount of the base bid plus the combination of alternate items do not exceed the amount offered by any other responsible bidder whose bid conforms to the solicitation for the base bid and the same combination of alternate items.

536.270–2 Offers that include options.

(a) Subject to the limitations in paragraph (c) of this section, the contracting officer may include options in contracts when it is in the Government's interest.

(b) The appropriate use of options may include, but is not limited to, the following:

(1) When additional work is anticipated but funds are not expected to be available at the time of award, and it would not be practicable to award a separate contract or to permit an additional contractor to work on the same site.

(2) When fixed building equipment, e.g., elevators, escalators, etc., will be installed under the construction contract and it is advantageous to have the installer of the equipment maintain and service the equipment during the warranty period.

(c) The contracting officer shall not employ options if:

(1) The prospective option represents known firm requirements for which funds are available unless competition for the option quantity is impracticable once the initial contract is awarded; or

(2) The contractor will incur undue risks; e.g., the price or availability of necessary materials or labor is not reasonably foreseeable.

(d) Solicitations containing option provisions must state the period within which the options may be exercised.

(e) The solicitations must state whether the basis of award is inclusive or exclusive of the options. Before a solicitation that includes evaluated options is issued, the contracting officer shall make a determination that there is reasonably certainty that funds will be made available to permit exercise of the option.

(f) The language of all solicitation provisions for options must be approved, in writing, by counsel.

(g) All solicitations requiring a base offer and options must include the Alternate I provision at 552.236–73, Basis of Award—Construction Contract, which prescribes the method of evaluation of offers.

536.270–3 Offers that include alternates and options.

(a) Solicitations may include alternates and options when the conditions in 536.270–1, Offers that include alternates, and 536.270–2, Offers that include options, are satisfied. In such solicitations, the low offeror for purposes of award is the responsible offeror submitting the lowest aggregate price for the basic requirement plus those alternates in the order of priority listed in the solicitation that provide the most features of work within the funds available at bid opening when using sealed bidding or award when negotiating, plus all options designated to be evaluated.

(b) In the case of options associated with alternates, the basis of award may require the evaluation of such options if the related alternate is selected.

(c) All solicitations requiring a base offer, alternates and options must include the Alternate III provision at 552.236.73, Basis of Award—Construction Contract, which prescribes the method of evaluation of offers.

(d) When using sealed bid procedures before opening bids that include alternates and options, the contracting officer shall determine and record in the contract file the amount of funds available for the project (i.e., for the base offer and alternate work). The amount recorded must be announced at the beginning of the bid opening. This amount may be increased later when determining the alternate items to be awarded to the low offeror, provided that the award amount of the base offer and evaluated options plus such a combination of alternate items do not exceed the amount offered by any other responsible offeror whose offer conforms to the solicitation for the base offer, the evaluated options, and the same combination of alternate items.

4a. Section 536.271 is added to read as follows:

536.271 Exercise of options.

(a) When exercising an option, the contracting officer shall notify the contractor in writing, within the time period specified in the contract.

(b) The contracting officer may exercise options only after determining that:

(1) Funds are available;

(2) The requirement covered by the option fulfills an existing Government need; and

(3) The exercise of the options is the most advantageous methods fulfilling the Government's need, price and other factor considered.

(c) Before exercising an option, the contracting officer shall determine that such action is in accordance with the terms of the option and the requirements of this section. The written determination must be included in the contract file.

(d) The contract modification or other written document which notifies the contractor of the exercise of the option must cite the option clause as authority. In addition, when exercising an unpriced and/or unevaluated option cite the statutory authority permitting the use of other than full and open competition (see FAR 6.302 and 517.207).

5. Section 536.570–4 is amended by revising paragraph (a) and the last paragraph to read a follows:

536.570–4 Basis of award—construction contract.

* * * * *

(a) The solicitation requires the submission of a lump sum offer only;

* * * * *

If the solicitation requests the submission of a base offer and unit prices, the contracting officer shall use the basic provision. If the solicitation requests the submission of a base offer and options the contracting officer shall use the provision with its Alternate I. If the solitation requests the submission of a base offer and alternates, the contracting officer shall use the provision with its Alternate II. If the solicitation requests the submission of a base offer alternates, and options, the contracting officer shall use the provisions with its Alternate III.

PART 543—CONTRACT MODIFICATION

6. Section 543.205 is amended by adding paragraph (c) to read as follows:

543.205 Contract clauses.

* * * * *

(c) Contracting officers in the Public Buildings Service have been authorized to deviate from the FAR clause at 52.243–4, Changes, in solicitations and contracts for design/build construction services by modifying subparagraph (a)(2) to read as follows: "(2) In the method, description, time of performance (i.e., hours of the day, days of the week, etc.), or manner of performance of the work or services."

PART 548—VALUE ENGINEERING

6a. The authority citation for part 548 is added to read as follows:

Authority: 40 U.S.C. 486(c).

7. Subpart 548.2 is added to read as follows:

Subpart 548.2—Contract Clauses

548.202 Clause for construction contracts.

Contracting officers in the Public Buildings Service have been authorized to deviate from the FAR by using the FAR Value Engineering clause for architect-engineer contracts instead of the clause at FAR 52.248–3, Value Engineering—Construction, when soliciting and awarding design/build construction contracts.

PART 549—TERMINATION OF CONTRACTS

8. Section 549.502 is revised to read as follows:

549.502 Termination for convenience of the Government.

(a) The contracting officer shall insert the clause at 552.249–70, Termination for Convenience of the Government (Fixed-Price), in all solicitations and contracts for the acquisition and maintenance of telephone systems to be funded through the Information Technology Fund (IT). This clause should be used with the FAR clauses at 52.249–1 or 52.249–2 and 52.249–4.

(b) Contracting officers in the Public Buildings Service have been authorized to deviate from the FAR clause at 52.249–2, Termination for Convenience of the Government (Fixed-Price) (Alt I) by: (1) Inserting the words "or services" in the first sentence of paragraph (a) of the clause immediately after "work," (2) deleting the phrase "exclusive of costs shown in subparagraph (f)(3) below" in the third sentence of paragraph (e), and (3) substituting the following subparagraph as (2) in paragraph (f):

(2)(i) For services performed under the operation and maintenance option, the contract price for completed supplies or services accepted by the government (or sold or acquired under subparagraph (b)(9) above) not previously paid for, adjusted for any saving of freight and other charges, the total of—

(A) The costs incurred in the performance of the operation and maintenance service terminated, including initial costs and preparatory expense allocable thereto, but excluding any costs attributable to supplies or services paid or to be paid under subparagraph (f)(1) above;

(B) The cost of settling and paying termination settlement proposals under terminated subcontracts that are properly chargeable to the terminated portion of the contract if not included in subdivision (A) above; and

(C) A sum, as profit on subdivision (A) above, determined by the contracting officer under 49.202 of the Federal Acquisition Regulation, in effect on the date of this contract, to be fair and reasonable; however,

if it appears that the contractor would have sustained a loss on the entire contract had it been completed, the contracting officer shall allow no profit under this subdivision (C) and shall reduce the settlement to reflect the indicated rate of loss.

(ii) For all work or services the reasonable costs of settlement of the work terminated, including—

(A) Accounting, legal, clerical, and other expenses reasonably necessary for the preparation of termination settlement proposals and supporting data;

(B) The termination and settlement of subcontracts (excluding the amounts of such settlements); and

(C) Storage, transportation, and other costs incurred, reasonably necessary for the preservation, protection, or disposition of the termination inventory.

9. Section 549.504 is added to read as follows:

549.504 Termination of fixed-price contracts for default.

The contracting officer shall insert the clause at 552.249–72, Termination for Default, in all solicitations and contracts for design/build construction services. This clause should be used with the FAR clauses at 52.249–8 and 52.249–10.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

10. Section 552.216–16 is added to read as follows:

552.216–16 Incentive price revision.

As prescribed in 516.405(b), insert the following clause:

Incentive Price Revision (XXX 1991) (Deviation FAR 52.216–16)

(a) *General.* The construction services identified in section 3 of Attachment A to Standard Form 1442, Solicitation, Offer and Award (Construction, Alteration, or Repair) of this contract are subject to price revision in accordance with this clause; provided, that in no event shall the total final price of these services exceed the ceiling price of .....dollars ($.....). Any construction services that are to be (1) ordered separately under or otherwise added to this contract and (2) subject to price revision in accordance with the terms of this clause shall be identified as such in a modification to this contract.

(b) *Definition.* "Costs," as used in this clause, mean allowable costs in accordance with part 31 of the Federal Acquisition Regulation (FAR) in effect on the date of this contract.

(c) *Data submission.* (1) Within .....[Contracting Officer insert number of days] days after the Contractor has completed all of the services specified in paragraph (a) above, the Contractor shall submit:

(i) A copy of the executed subcontracts and all modifications thereto;

(ii) Evidence of all payments, including final payment, to subcontractors;

(iii) Evidence of all allocable credits received from subcontractors; and

(iv) Any other relevant data that the Contracting Officer may reasonably require.

(2) If the Contractor fails to submit the data required by subparagraph (1) above within the time specified and it is later determined that the Government has overpaid the Contractor, the Contractor shall repay the excess to the Government immediately. Unless repaid within 30 days after the end of the data submittal period, the amount of the excess shall bear interest, computed from the date the data were due to the date of repayment, at the rate established in accordance with the Interest clause.

(d) *Price revision.* Upon the Contracting Officer's receipt of the data required by paragraph (c) above, the Contracting Officer and the Contractor shall promptly establish the total final price of the construction services specified in (a) above by adjusting the final negotiated cost as follows:

(1) On the basis of the information required by paragraph (c) above, together with any other pertinent information, the parties shall aggregate the cost of subcontracts for competed work to determine the total final negotiated cost incurred for construction services performed and accepted by the Government and which are subject to price revision under this clause. The cost associated with correcting any errors attributable to the Contractor shall not be included when determining the total final negotiated cost.

(2) The total final price shall be established as follows:

(i) If the total final negotiated cost is equal to or greater than the ceiling price, the ceiling price is the total final price. In no event shall the Government pay the Contractor any amount in excess of the ceiling price.

(ii) If the total final negotiated cost is less than the ceiling price, the total final price shall be the total final negotiated cost plus (percentage amount to be inserted by the Contracting Officer) the difference between the ceiling price and the total final negotiated cost.

(e) *Contract modification.* The total final price of the construction services specified in paragraph (a) above shall be evidenced by a modification to this contract, signed by the Contractor and the Contracting Officer. This price shall not be subject to revision, notwithstanding any changes in the cost of performing the contract, except to the extent that:

(1) The parties may agree in writing, before the determination of total final price, to exclude specific elements of cost from this price and to a procedure for subsequent disposition of those elements; and

(2) Adjustments or credits are explicitly permitted or required by this or any other clause in this contract.

(f) *Adjusting limitation on progress payments.* (1) Pending execution of the contract modification (see paragraph (e) above), the Contractor shall submit invoices in accordance with the payment terms of this contract; provided, that the total of progress payments for the construction services specified in paragraph (a) above shall not exceed eighty-five (85) percent of the ceiling price in paragraph (a) above unless the Contractor submits evidence that costs actually incurred for subcontracts exceeded eighty-five (85) percent of the ceiling price and the contract is modified to increase the limitation on progress payments.

(2) Any adjustment in the eighty-five (85) percent limitation in subparagraph (1) above shall be reflected in a contract modification and shall not affect the determination of the total final price under paragraph (d) above. After the contract modification establishing the total final price is executed, the total amount paid or to be paid on all invoices shall be adjusted to reflect the total final price and any resulting additional payments, refunds, or credits shall be made promptly.

(g) *Subcontracts.* The term "subcontracts," as used in this clause, includes construction services specified in paragraph (a) above, which are performed by the Contractor. No subcontract placed under this contract may provide for payment on a cost-plus-a-percentage-of-cost basis. The Contractor shall solicit competitive proposals for the performance of all construction services specified in paragraph (a) above and award subcontracts to the offeror submitting the lowest offer. The Contractor may compete to perform such services itself. Proposals shall be obtained from at least two independent sources. The Contracting Officer or an authorized representative shall have access to and the right to examine any documents pertinent to the competition of construction services in order to verify that at least two independent sources were solicited and that the award was made to the lowest offeror. Subcontracts shall be awarded as firm-fixed-price contracts.

(h) *Disagreements.* If the Contractor and the Contracting Officer fail to agree upon the total final price within 60 days (or within such other period as the Contracting Officer may specify) after the date on which the data required by paragraph (c) above are to be submitted, the Contracting Officer shall promptly issue a decision in accordance with the Disputes clause.

(i) *Termination.* If this contract is terminated before the total price is established, prices of construction services subject to price revision shall be established in accordance with this clause for (1) completed construction services accepted by the Government and (2) those construction services not terminated under a partial termination. All other elements of the termination shall be resolved in accordance with other applicable clauses of this contract.

(j) *Equitable adjustment under other clauses.* If an equitable adjustment in the contract price is made under any other clause of this contract before the total final price is established, the adjustment shall be made in the ceiling price. If the adjustment is made after the total final price is established, only the total final price shall be adjusted.

(k) *Exclusion from total final price.* If any clause of the contract provides that the contract price does not or will not include an amount for a specific purpose, then the total final price will not include any amount for that purpose.

(l) *Separate reimbursement.* If any clause of this contract expressly provides that the cost of performance of an obligation shall be at Government expense, that expense shall not be included in the total final price, but shall be reimbursed separately.

(m) *Taxes.* As used in the Federal, State and Local Taxes clause or in other clauses that provides for certain taxes or duties to be included in or excluded from the contract price, the term "contract price" includes the ceiling price or, if it has been established, the total final price. When any of these clauses requires that the contract price be increased or decreased as a result of changes in the obligation of the Contractor to pay or bear the burden of certain taxes or duties, the increase or decrease shall be made in the ceiling price or, if it has been established, in the total final price.

(End of Clause)

11. Section 552.236–73 is revised to read as follows:

552.236–73 Basis of Award—Construction Contract.

As prescribed in 536.570–4, insert the following provision or the appropriate Alternate:

Basis of Award—Construction Contract (XXX 1991)

(a) The price for evaluation purposes is the price for the basic requirements (consisting of the lump sum offer and any associated unit prices extended by the applicable number of units shown on the solicitation, offer and award form). See Standard Form 1442, Solicitation, Offer, and Award.

(b) An offer may be rejected if the offer is materially unbalanced as to offered prices. An offer is unbalanced when the offer is based on prices significantly less than cost for some work and significantly overstated for other work.

(End of Provision)

Alternate I

If the solicitation includes the basic requirements and options, the Contracting Officer shall delete paragraph (a) of the basic provision and insert paragraph (a) substantially as follows:

(a) The price for evaluation purposes is the aggregate price for (1) the basic requirements (consisting of the lump sum offer and any associated unit prices extended by the applicable number of units shown on the solicitation, offer and award form) plus (2) all options designated to be evaluated. The evaluation of options will not obligate the Government to exercise the options. See Standard Form 1442, Solicitation, Offer, and Award.

Alternate II

If the solicitation includes the basic requirements and alternates, the Contracting Officer shall delete paragraph (a) of the basic provision and insert paragraphs (a), (c), and (d) substantially as follows:

(a) The low price for evaluation purposes is the aggregate price for (1) the basic requirements (consisting of the lump sum offer and any associated unit prices extended by the applicable number of units shown on the Solicitation, Offer, and Award form) plus (2) those alternates in the order of priority listed in the solicitation that provide the most features of work within the funds available at bid opening when the procurement is made using sealed bidding procedures or at award when the procurement is made using the negotiated method of procurement.

(c) Alternates will be added to the basic requirements in the order listed in the solicitation (see Standard Form 1442, Solicitation, Offer, and Award). If the addition of an alternate would make all offers exceed the funds available at bid opening or award, as applicable, that alternate shall be skipped and the next subsequent alternate in a lower amount shall be added, provided that the aggregate of basic requirements and the selected alternates do not exceed the funds available at bid opening when sealed bidding or award when negotiating. For example, when the amount available is $100,000 and an offeror's price for the basic requirements is $85,000, with its separate prices on four successive alternates being $10,000, $8,000, $6,000, and $4,000, the aggregate amount of the offer for purposes of selecting the alternates would be $99,000 (basic requirements plus the first and fourth alternates). The second and third alternates are skipped because each of them would cause the aggregate of the basic requirements and alternates to exceed the $100,000 amount available when considered with the first alternate.

(d) After the price has been evaluated in accordance with paragraph (a), an award may be made on the basic requirements plus any combination of alternates for which funds are available at the time of bid opening or award, as applicable, provided all offers are evaluated on the basis of the same alternates.

Alternate III

If the solicitation includes basic requirements, alternates, and options, the Contracting Officer shall delete paragraph (a) of the basic provision and insert paragraphs (a), (c), and (d) substantially as follows:

(a) The price for evaluation purposes is the aggregate price for (1) the basic requirements (consisting of the lump sum offer unit prices extended by the applicable number of units shown on the Solicitation, Offer, and Award form) plus (2) those alternates in the order of priority listed in the solicitation that provide the most features of work within the funds available at bid opening or award as applicable plus (3) all options designated to be evaluated except those options associated with alternates that are skipped during the evaluation process outlined in paragraph (c) below. The evaluation of options will not obligate the Government to exercise the options.

(c) Alternates will be added to the basic requirements in the order listed in the solicitation (see Standard Form 1442, Solicitation, Offer, and Award). If the addition of an alternate would make all offers exceed the funds available at bid opening or award, that alternate shall be skipped and the next subsequent alternate in a lower amount shall be added, provided that the aggregate of basic requirements and the selected alternates do not exceed the funds available when sealed bidding or award when negotiating. For example, when the amount available is $100,000 and an offeror's basic requirement is $85,000, with its separate prices on four successive alternates being $10,000, $8,000, $6,000, and $4,000, the aggregate amount of the offer for purposes of selecting the alternates would be $99,000 (basic requirements plus the first and fourth alternates). The second and third alternates are skipped because each of them would cause the aggregate of the basic requirements and alternates to exceed the $100,000 amount available when considered with the first alternate.

(d) After the price has been evaluated in accordance with paragraph (a), award may be made on the basic requirement and evaluated options plus any combination of alternates for which funds are available at the time of bid opening or award, as applicable, provided all offers shall be evaluated on the basis of the same alternates.

12. Section 552.249–72 is added to read as follows:

552.249–72 Terminations for Default.

As prescribed in 549.504, insert the following clause:

Termination for Default (XXX 1991) (Deviation FAR 52.249–8 and 52.249–10)

(a) The Government's right to terminate the design and construction portion of this contract for default shall be determined under the basic FAR clause 52.249–10.

(b) The Government's right to terminate the services under the operation and maintenance portion of this contract for default shall be determined under the basic FAR clause 52.249–8.

(End of Clause)

Dated: June 4, 1991.

Richard H. Hoph,

Associate Administrator for Acquisition Policy.

[FR Doc. 91–15104 Filed 6–25–91; 8:45 am]

BILLING CODE 6820–61–M

Notices

Federal Register
Vol. 56, No. 123
Wednesday, June 26, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Exemption of Salvage Timber Sale Project From Appeal

AGENCY: Forest Service, USDA.

ACTION: Notification that a salvage timber sale project is exempted from appeals under provisions of 36 CFR part 217.

SUMMARY: This is a notification that the decision to implement the Upper Copper Creek Salvage timber Sale Project on the Helena National Forest is exempted from appeal. This is in conformance with the provisions of 36 CFR 217.4(a)(11).

EFFECTIVE DATE: Effective on issuance of the Decision Notice for the Upper Copper Creek Salvage Timber Sale.

FOR FURTHER INFORMATION CONTACT: Ernest R. Nunn, Forest Supervisor, Helena National Forest, 301 S. Park, Drawer 10014, Federal Building, Room 334, Helena, Montana 59626.

Background

During February of 1989, an unseasonably warm week was followed by a severe and rapid drop in temperature which caused foliage freeze and dessication (commonly referred to as "Red Belt") and stressed, severely damaged and/or killed timber on approximately 7,300 acres within the Lincoln Ranger District. The degree of damage varied from a few trees per acre to near total mortality to both the overstory and understory vegetation. Within the immediate area of the proposed Upper Copper Creek Salvage Timber Sale an estimated 1800 acres were affected to some degree.

The Helena National Forest identified the need to quickly salvage the timber before it became unmerchantable and promptly reforest these areas. Removal of the dead and severely damaged timber will accelerate the rehabilitation of the affected areas by: Eliminating the probability of delayed reforestation and reduction of future timber yield on lands allocated as suitable timber lands in the Helena National Forest Land and Resoruce Management Plan (Helena Forest LRMP); re-establishing wildlife cover more quickly; reducing the potential for wildlife in the damaged stands; and increasing restocking of the site through natural reforestation processes by scarifying the site and opening the canopy. Current estimates suggest that as much as 25–50 percent of the merchantable volume has already been lost in the standing dead trees because of the failure to salvage timber in 1990. Unless the dead material is salvaged soon the opportunities to sell the material and initiate long-term site recovery will be foregone due to insect activity and decay. Failure to take action may necessitate an amendment or revision of the Helena Forest LRMP.

Analysis conducted by a Forest Service interdisciplinary team determined that stands with less than 25 percent of the trees damaged do not require treatment. Application of this criterion led to a proposal to salvage timber resources through timber harvest and rehabilitate damaged timber stands on approximately 716 acres. An Environmental Assessment evaluating this proposed action, including alternatives to the proposed action, was prepared during early 1990 which culminated in a Decision Notice signed in June of 1990. The decision was appealed and the Lincoln District Ranger withdrew his decision on November 26, 1990.

The Lincoln District Ranger has revised the Environmental Assessment to address the environmental issues brought up in the appeal. Additional comments were solicited from the public during the second analysis. This information is documented in the revised Decision Notice/Environmental Assessment and project file located at the Lincoln Ranger District, P.O. Box 219, Lincoln, Montana.

The four alternatives evaluated in the Environmental Assessment range from "No Action" to the treatment of 781 acres. The minimum action alternative considers treatment of 214 acres. Salvage volumes estimated from the action alternatives range from 1.2 to 5.4 MMBF.

Planned Actions

The planned restoration project includes recovery of the killed and heavily damaged trees which are still merchantable and rehabilitation of the stands through natural regeneration. The alternative selected for implementation proposes the treatment of 214 acres in 14 individual harvest units recovering 1.2 MMBF of damaged or dead timber. Natural regeneration will be relied upon to supplement stocking of existing timber stands on the 214 acres treated. Further delay in removal of the dead trees will render them unmerchantable as sawtimber, and lack of followup treatment to the sites will result in unacceptable regeneration delays affecting long-term timber yields and wildlife use of the area. Due to the length of time it has taken to develop an acceptable rehabilitation project and salvage program and to properly evalute its effects, the time remaining for accomplishment has become critical. Any additional delays will result in further damage to presently undamaged resources and could result in a complete loss of the salvageable resources as well.

To expedite this sale project and the initiative of long-term vegetative recovery of the treated stands, the process according to 36 CFR 217.4(a)(11) is being followed. Under this Regulation the following are exempt from appeal:

> Decisions related to rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena such as wildlife . . . when the Regional Forester . . . determines and gives notice in the **Federal Register** that good cause exists to exempt such decisions from review under this part.

Based on the environmental analysis documented in the Upper Copper Creek Salvage Timber Sale Environmental Assessment and the Lincoln District Ranger's Decision Notice for this project, I have determined that good cause exists to exempt this decision from administrative review. Therefore, upon publication of this notice, this project will not be subject to review under 36 CFR part 217.

Dated: June 14, 1991.

John M. Hughes,

Deputy Regional Forester, Northern Region.

[FR Doc. 91–14836 Filed 6–25–91; 8:45 am]

BILLING CODE 3410–11–M

Russian River Angler Trail Reconstruction and Bank Stabilization Project; Intent

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement for the Russian River Angler Trail Reconstruction and Bank Stabilization Project. The project is located on the Seward Ranger District, Chugach National Forest, Kenai Peninsula Borough, Alaska. The agency invites written comments and suggestions on the scope of the analysis. In addition, the agency gives notice of the full environmental analysis and decision-making process that will occur on the proposal so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Comments concerning the scope of the analysis must be received by August 20, 1991.

ADDRESSES: Submit written comments and suggestions concerning the scope of the analysis to Duane Harp, District Ranger, Seward Ranger District, Chugach National Forest, P.O. Box 390, Seward, AK 99664.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed action and environmental impact statement to Mr. Harp at the above address or phone Mr. Harp or Mr. Richard Borden at (907) 224–3374.

SUPPLEMENTARY INFORMATION: The Chugach National Forest Land and Resources Management Plan, Final Environmental Impact Statement and Record of Decision have been issued. These documents identify the management direction for the project area, and permit, under certain conditions, the project.

In preparing the environmental impact statement, the Forest Service will identify and consider a range of alternatives. One of these will be continuing present management (the No Project Alternative).

Duane Harp, District Ranger, Seward Ranger District, Chugach National Forest, Seward, Alaska, is the responsible official.

Public participation will be especially important at several points during the analysis. The first point is during the scoping process (40 CFR 1501.7). The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies, and individuals or organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the draft environmental impact statement (DEIS). The scoping process includes:

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth.
3. Eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Exploring additional alternatives.
5. Identifying potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, and cumulative effects and connected actions).
6. Determining potential cooperating agencies and task assignments.

The DEIS is expected to be filed with Environmental Protection Agency (EPA) and to be available for public review by December 1991. At that time EPA will publish a notice of availability of the DEIS in the **Federal Register**.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register**. It is very important that those interested in this proposal participate at that time. To be the most helpful, comments on the DEIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of DEIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions, *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978), and that environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

After the comment period ends on the draft EIS, the comments will be analyzed and considered by the Forest Service in preparing the final environmental impact statement. The final EIS is scheduled to be completed by July 1992. In the final EIS the Forest Service is required to respond to the comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, environmental consequences discussed in the EIS, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to appeal under 36 CFR part 217.

Dated: June 14, 1991.

Duane H. Harp,

District Ranger.

[FR Doc. 91–15172 Filed 6–25–91; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Brooke County Critical Area Drainage and Land Treatment RC&D Measure Plan, West Virginia

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR part 1500); and the Soil Conservation Service Guidelines, (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Brooke County Park and Recreation Commission Critical Area Treatment and Land Drainage RC&D Measure Plan, Brooke County, West Virginia.

FOR FURTHER INFORMATION CONTACT: Rollin N. Swank, State Conservationist, Soil Conservation Service, 75 High Street, room 301, Morgantown, West Virginia 26505, telephone (304) 291–4151.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Rollin M. Swank, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

Notice of a Finding of No Significant Impact

The purpose of the measure is critical area treatment and land drainage. The measure is designed to stabilize by regarding, shaping, and revegetating approximately 1.5 acres of land at three

sites that has an average erosion rate of 20 tons per acre per year. Conservation practices include a drop box, culvert, drain tile, and seeding.

Brooke County Park and Recreation Critical Area Treatment and Land Drainage RC&D Measure Plan, Brooke County, West Virginia

The Notice of a Finding of No Significant Impact has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Rollin N. Swank, State Conservationist.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—Resources Conservation and Development—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: June 17, 1991.

Rollin N. Swank,

State Conservationist.

[FR Doc. 91-15182 Filed 6-25-91; 8:45 am]

BILLING CODE 3410-16-M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Michigan Advisory Committee

Pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, notice is hereby given that the meeting of the Michigan Advisory Committee to the Commission, previously announced in the **Federal Register** on June 18, 1991 (56 FR 27943), FR Doc. 91-14383, to convene at 8:30 a.m. and adjourn at 5 p.m. on Thursday, July 11, 1991, at the OMNI Hotel, 333 E. Jefferson, Detroit, MI 48226, has been rescheduled to convene at 9 a.m. and adjourn at 5 p.m. on Thursday, July 18, 1991, at the same location. The purpose of the meeting is to conduct a community forum on the rise of hate crimes in Michigan.

Persons desiring additional information should contact Committee Chairperson Dennis Gibson at (313) 864-9394 or Constance Davis, Director of the Midwestern Regional Office at (312) 353-8311. Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 20, 1991.

Wilfredo J. Gonzalez,

Staff Director.

[FR Doc. 91-15110 Filed 6-25-91; 8:45 am]

BILLING CODE 6335-01-M

Agenda and Notice of Public Meeting of the Michigan Advisory Committee

Pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, notice is hereby given that the meeting of the Michigan Advisory Committee to the Commission, previously announced in the **Federal Register** on June 18, 1991 (56 FR 27943), FR Doc. 91-14382, to convene at 6 p.m. until 9 p.m. on Wednesday, July 10, 1991, at the OMNI Hotel, 333 E. Jefferson, Detroit, MI 48226, has been rescheduled to convene at 6 p.m. and adjourn at 9 p.m. on Wednesday, July 17, 1991, at the same location. The purpose of the meeting is to discuss current issues, orient members, and plan future activities.

Persons desiring additional information should contact Committee Chairperson Dennis Gibson at (313) 864-9394 or Constance Davis, Director of the Midwestern Regional Office at (312) 353-8311. Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 20, 1991.

Wilfredo J. Gonzalez,

Staff Director.

[FR Doc. 91-15111 Filed 6-25-91; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committees of the American Indian and Alaska Native Populations for the 1990 Census, Asian and Pacific Islander Populations for the 1990 Census, Black Population for the 1990 Census, and Hispanic Population for the 1990 Census; Reestablishment

In accordance with the provisions of the Federal Advisory Act, 5 U.S.C. app. (1976), and Office of Management and Budget Circular A-63 of March 1974, and after consultation with GSA, the Secretary of Commerce has determined that the reestablishment of the Census Advisory Committees on the American Indian and Alaska Native Populations for the 1990 Census, Asian and Pacific Islander Populations for the 1990 Census, Black Population for the 1990 Census, and Hispanic Population for the 1990 Census is in the public interest in connection with the performance of duties imposed on the Department by law.

These committees were originally established in 1985. The Department of Commerce last renewed each committee on June 15, 1989.

The committees will continue to provide advice to the Director, Bureau of the Census, during the evaluation phase of the 1990 census cycle while focusing on the year 2000 census. Interchange is expected in evaluating the Census Bureau's programs as a whole and in their various parts; in making recommendations about the research and developmental work that is done for the year 2000 census; and is expected to improve the usefulness of statistics on racial and Hispanic origin populations generally.

The committees will each have a balanced representation of 12 members. The committees will continue to report and be responsible to the Director, Bureau of the Census, and will function solely as an advisory body in compliance with the Federal Advisory Committee Act.

The Department of Commerce will file copies of the committees' revised charters with appropriate committees in Congress.

You may address inquiries or comments to Mrs. Phyllis Van Tassel, Committee Liaison Officer, Bureau of the Census, room 2423-3, Washington, DC 20233, telephone (301) 763-5410, or Ms. Jan Jivatode, Committee Management Analyst, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 377-4115.

Dated: June 20, 1991.

Barbara Everitt Bryant,

Director, Bureau of the Census.

[FR Doc. 91-15220 Filed 6-25-91; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

[A-570-002]

Chloropicrin From the People's Republic of China; Determination Not To Revoke Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of determination not to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on chloropicrin from the People's Republic of China.

EFFECTIVE DATE: June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Michael Rill or Richard Rimlinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–1131.

SUPPLEMENTARY INFORMATION: On March 4, 1991, the Department of Commerce ("the Department") published in the **Federal Register** (56 FR 8983) its intent to revoke the antidumping duty order on chloropicrin from the People's Republic of China (49 FR 10691; March 22, 1984). The Department may revoke an order if the Secretary concludes that the order is no longer of interest to interested parties. We had not received a request for an administrative review of the order for the last four consecutive annual anniversary months and therefore published a notice of intent to revoke pursuant to § 353.25(d)(4) of the Department's regulations (19 CFR 353.25(d)(4)).

On March 29, 1991, Niklor Chemical Co., Trinity Manufacturing, Inc., Hanlin Group, Inc., and LinChem, Inc., U.S. producers of chloropicrin, objected to our intent to revoke the order. Therefore, we no longer intend to revoke the order.

Dated: June 20, 1991.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 91–15221 Filed 6–25–91; 8:45 am]

BILLING CODE 3510–DS–M

[A-580-605]

Color Picture Tubes From the Republic of Korea; Amendment to the Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice.

EFFECTIVE DATE: June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Julie Anne Osgood or Carole Showers, Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230: telephone: (202) 377–0167 or 377–3217, respectively.

AMENDMENT TO THE FINAL RESULTS: In accordance with section 751 of the Tariff Act of 1930, on April 25, 1991, the Department completed the administrative review of CPTs from Korea for the period January 1, 1989, through December 31, 1989 (56 FR 19084). On April 30, 1991, we received a letter from counsel for Goldstar alleging that the Department made a ministerial error. Goldstar stated that the "record of the Korean color picture tube proceeding clearly establishes that Goldstar (i) had no shipments of the subject merchandise during the period of review and (ii) had no shipments of the subject merchandise during the fair value investigation." Therefore, Goldstar contends that it should have been assigned the "new shipper" rate, *i.e.*, the *de minimis* rate, instead of the "all-other" rate from the LTFV investigation.

Goldstar's contention is correct. Because Goldstar has been investigated and reviewed, and both times found not to have shipped the subject merchandise, we have no basis to establish an antidumping duty rate for this company. Therefore, the company should be treated as a new shipper if it begins exporting the subject merchandise to the United States. Accordingly, if Goldstar begins to ship the merchandise subject to this order, the "new shipper" rate, which is zero, will apply. Accordingly, pursuant to section 751(f) of the Act, we are correcting the ministerial error in the final results of this administrative review.

Therefore, if Goldstar begins to ship the merchandise subject to this review, the "new shipper" rate, which is zero, will apply. The cash deposit requirements for manufacturers/exporters other than Goldstar specified in the final results of this administrative review remain unaffected by this amendment.

This notice is published pursuant to sections 751(f) of the Act and § 353.28 of the Department's regulations.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91–15226 Filed 6–25–91; 8:45 am]

BILLING CODE 3510–DS–M

Termination of Antidumping Administrative Review on Trichloro Isocyanuric Acid and Termination, in Part, on Dichloro Isocyanurates From Japan

[A-588-019]

AGENCY: International Trade Administration/Import Administration/ Department of Commerce.

ACTION: Notice of termination of antidumping administrative review on Trichloro Isocyanuric Acid and termination, in part, on Dichloro Isocyanurates from Japan.

EFFECTIVE DATE: June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Kristal A. Eldredge or Rick Herring, Office of Countervailing Investigations, International Trade Administration, U.S. Department of Commerce, Washington, DC, 20230; telephone: (202) 377–0631 or 377–3530, respectively.

TERMINATION OF REVIEW: On June 1, 1990, we published the notice initiating the administrative review of the antidumping duty order on Cyanuric Acid and its Chlorinated Derivatives from Japan (55 FR 22366). That notice stated that we would review Nissan Chemical Industries, Ltd., and Shikoku Chemicals Corp., Ltd., for the period April 1, 1989 through March 31, 1990.

We subsequently published a notice of "Final Results of Antidumping Administrative Reviews and Revocation on Trichloro Isocyanuric Acid, and Revocation, in Part, on Dichloro Isocyanurates" (56 FR 19338 (April 26, 1991)). The revocation was effective November 21, 1988. As a result, we are terminating the review for all companies with respect to trichloro isocyanuric acid and Nissan Chemical Industries for dichloro isocyanurates for the period November 22, 1988 through March 31, 1990.

This termination of review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and 19 CFR 353.25.

Dated: June 18, 1991.

Francis J. Sailer,

Deputy Assistant Secretary for Investigations, Import Administration.

[FR Doc. 91–15223 Filed 6–25–91; 8:45 am]

BILLING CODE 3510–DS–M

[A-588-302]

Large Power Transformers From Japan; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On November 20, 1990, the Department of Commerce published the

preliminary results of its administrative review of the antidumping finding on large power transformers from Japan. These final results of review cover three manufacturers/exporters of this merchandise to the United States and generally the period from September 1, 1975, through May 31, 1987.

We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received and the correction of clerical errors, we have changed the margins from those presented in our preliminary results.

EFFECTIVE DATE: June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Laurie A. Lucksinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–5253.

SUPPLEMENTARY INFORMATION:

Background

On November 20, 1990, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping finding (37 FR 11773, June 14, 1972) on large power transformers from Japan in the **Federal Register** (55 FR 48265). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by the review are shipments of large power transformers; that is, all types of transformers rated 10,000 kVA (kilovolt/amperes) or above, by whatever name designated, used in the generation, transmission, distribution, and utilization of electric power. The term "transformers" includes, but is not limited to, shunt reactors, autotransformers, rectifier transformers, and power rectifier transformers. Not included are combination units, commonly known as rectiformers, if the entire integrated assembly is imported in the same shipment and entered on the same entry and the assembly has been ordered and invoiced as a unit, without a separate price for the transformer portion of the assembly. During the review period, covered merchandise was classifiable under item numbers 682.0765, 682.0765, and 682.0775 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 8504.22.00, 8504.23.00, 8504.34.33, 8504.40.00, and 8504.50.00. The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers three manufacturers/exporters of large power transformers, Fuji Electric Corporation (Fuji), Toshiba Corporation, and Hitachi Electric Corporation, and various periods from September 1, 1975, through May 31, 1987.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. At the request of the petitioner, ABB Power T&D Company, Inc., and Fuji, we held a hearing on January 30, 1991. We received case and rebuttal briefs from Fuji and the petitioner. Due to the nature of the comments, we have separated them into two sections. We begin by addressing the comments regarding dumping methodology. Then we address the technical issues concerning the calculations of the Westinghouse Price Rules (WPR) methodology.

Comments on Dumping Methodology

Comment 1: Petitioner argues that the Department's use of home market unit AN16200T1 for comparison to both U.S. sales in the 1986/87 review is inappropriate for use as the basis for foreign market value (FMV). This home market sale involved highly unusual circumstances of sale which distort the Department's price comparisons. Petitioner maintains that Fuji failed to provide information in a timely manner regarding these special circumstances of sale. Specifically, petitioner asserts that the transportation costs of the unit, which were included in the price of the unit, are so great as to distort the adjusted price which the Department used as foreign market value in its preliminary results of review.

Petitioner urges the Department to base FMV on a home market unit which does not have such unusual circumstances of sale as the Tokyo unit. Alternatively, petitioner suggests that the Department use constructed value in its analysis of both U.S. sales in the 1986/87 review.

Department's Position: Section 773(a) of the Tariff Act directs the Department to base FMV on sales of such or similar merchandise in the home market. Due to the nature of the custom-made transformers subject to the antidumping finding, determination of FMV on the basis of "such" merchandise would be very rare. Therefore, we base FMV on similar merchandise that is sold in the home market. In this case, we examined the technical specifications of the transformers Fuji sold in both markets and requested recommendations from Fuji and from petitioner. All parties agreed that the home market unit AN16200T1 was the most similar unit for comparison to both sales in the 1986/87 period. Furthermore, petitioner did not provide any arguments that physical differences between the merchandise made this comparison inappropriate. Therefore, petitioner has given us no basis for concluding that unit AN16200T1 is not similar within the meaning of section 771(16) of the Tariff Act.

In order to make a comparison between U.S. price and FMV, the statute directs the Department to adjust FMV for differences in circumstances of sale (section 773(a)(4)(B) of the Tariff Act). This is separate from the determination of such or similar merchandise. Thus, even assuming that petitioner is correct that transportation costs are extraordinarily high, this would not invalidate our determination that this unit is "similar."

Therefore, because home market unit AN16200T1 is not only similar, but is the most similar comparison unit in terms of physical characteristics to the 1986/87 U.S. units under review, we have used this unit, not constructed value, as the basis of FMV in the final results of review.

Comment 2: Petitioner alleges that home market unit AN16200T1 is inappropriate for use in determining FMV because Fuji made this sale at a price below the cost of production. Section 773(b) of the Tariff Act requires the Department to disregard home market sales which have been made at prices below the cost of production.

Department's Position: We initiated this review on July 17, 1987 (52 FR 27036). We received a response to our antidumping questionnaire in October 1987 and conducted verification in December 1987. Although petitioner has participated in the review from the outset, petitioner made its first allegation of below-cost sales after issuance of our November 20, 1990, preliminary results of review. We believe that the petitioner had sufficient information prior to the preliminary results of review to allow the filing of a timely allegation that Fuji sold home market unit AN16200T1 at a price below the cost of production. Because we have determined that this allegation was untimely, we have not proceeded with an investigation to determine whether this was a below-cost sale.

Comment 3: Petitioner argues that the Department's verification of home market unit AN16200T1 was inadequate. Given the highly unusual circumstances of the sale, the Department should have

required additional documentation that would satisfactorily demonstrate that Fuji had not issued amendments to the contract or separate invoices to cover the extraordinary costs. Petitioner notes that such amendments and separate invoices reflect the general practice in the industry, and, had the verification been more thorough, the Department would have found that the home market customer made additional payments to Fuji, especially considering the unusual circumstances of this home market sale.

Department's Position: Our verification of Fuji's response was thorough and followed general procedures. Verification of an antidumping response is not an audit of a respondent's entire financial records; rather, its purpose is to determine the accuracy of the information submitted by a respondent during an investigation or review (see, e.g., *Light-Walled Rectangular Carbon Steel Tubing from Argentina*, 54 FR 13913 (April 6, 1989)). We are satisfied that Fuji provided and we reviewed all appropriate payment information at verification.

Comment 4: Petitioner argues that the Department should make an adjustment for inflation to ensure that the price of each U.S. sale is comparable to a contemporaneous FMV. Petitioner notes that the Department has acknowledged this necessity in previous reviews of this finding and in reviews of the Italian and French findings. Petitioner asserts that any inflation adjustment must be made on the increase in the costs of producing the later-shipped unit.

Department's Position: In previous reviews of the antidumping findings on Italian and French transformers, we have adjusted U.S. and home market price to reflect the amount paid pursuant to the terms of the escalation clauses of the contracts. Such clauses are included in transformer contracts to allow the manufacturer to be compensated by the customer for inflationary increases in the costs of producing the merchandise, since transformers may be produced several months, if not years, after the date of sale.

We did not make an adjustment for escalation in these reviews, however, since none of the contracts included escalation clauses.

Comment 5: Petitioner asserts that the Department departed from its usual practice in its deduction of credit expenses on the sale to the Central California Power Agency (CCPA). According to petitioner, the Department's preliminary calculations did not accurately reflect the time for which payment was outstanding. Although one of the two units was sent back to Japan for repair, the Department used the time from the second shipment date to calculate Fuji's credit cost. Petitioner argues that use of the original shipment date is appropriate, because that represents the actual credit expenses attributable to the sale.

Department's Position: We agree and have changed our calculations for the final results.

Comment 6: Petitioner notes that the Department's preliminary calculation for home market unit AN16200T1 included a deduction for insurance which reflected the cost of insuring two units. Because FMV is based on single-unit prices, only half of the insurance amount should be deducted from FMV.

Deparment's Position: We agree and have changed our calculations for the final results.

Comment 7: Petitioner notes that the Department neglected to make an adjustment to the price of the Grand Haven unit AZ69009T1 to account for Fjui's inland freight insurance.

Department's Position: We agree and have made the adjustment.

Comment 8: Petitioner asserts that the Department neglected to deduct the cost of oil from the price of the one of the units Fuji sold to Noranda (AE69633T3). Since the Department has made this adjustment to other U.S. units when oil has been included in the contract, yet supplied after importation into the United States, a deduction from the U.S. price is appropriate.

Department's Position: Fuji made this sale to Nissho-Iwai, the unrelated trading company from which Noranda purchased the units. The contract documents which we received at verification indicate that provision of oil was Nissho-Iwai's reponsibility. Accordingly, Fuji's price to Nissho-Iwai did not include oil. Therefore, we have made no adjustment to the actual price for the cost of oil.

Comment 9: Petitioner notes two errors with respect to the Department's calculation of FMV for the sale to Nippon Kokan. First, the Department deducted an amount for supervisory expenses which exceeds the amount the Department calculated from the verification exhibits. Second, the Department deducted an amount for credit which is greater than that which Fuji claimed.

Department's Position: We have corrected the adjustment for supervisory expenses. However, Fuji's original claims for credit expenses were based on the difference in time between commissioning of the units and payment. The Department's practice is to calculate credit using the time between shipment and payment. Because commissioning occurs after shipment, we have increased Fuji's credit adjustment to reflect shipment date (see *Large Power Transformers from Italy*, 52 FR 46806 (December 10, 1987)).

Comment 10: Petitioner disagrees with the Department's calculation of credit for the sale to Ube. The Department deducted an amount for credit which is greater than that which Fuji claimed.

Department's Position: We disagree. See our response to comment 9.

Comment 11: Fuji disagrees with the Department's decision in the preliminary results to disallow the profit and overhead portions of the claimed movement and circumstance of sale expenses in calculating FMV and U.S. price. Fuji asserts that the Department verified that Fuji's records incorporate the overhead costs into the cost records of each transformer. These cost records identify expenses pertinent to the transformer. In addition, Fuji asserts that the exclusion of the overhead costs from the adjustments contributed to the dumping margins which the Department calculated.

Fuji also disagrees with the Department's decision to attribute all of the profit of each sale to the transformer portion of the sale. Fuji argues that the Department's methodology does not recognize that Fuji sells transformers and the transportation and installation of the units. Fuji asserts that the Department artificially increased the price of each transformer by assigning the overhead and profit of the entire sale just to the sale of the transformer.

Fuji acknowledge that such adjustments are not part of the Department's usual practice. However, Fuji argues that the WPR methodology which the Department uses in its analysis of the sales subject to the antidumping finding is unusual. In addition, the WPR methodology does not account for all aspects of the contracts Fuji established with its customers. Therefore, Fuji requests that the Department make adjustments to the home market and U.S. sales prices according to the response which Fuji submitted.

Department's Position: We have continued to disallow the profit and overhead portions of Fuji's claimed adjustments to home market price and U.S. price in our final results of review. The application of the WPR methodology does not affect our adjustments for differences in circumstances of sale, such as installation, transportation, and spare parts. Rather, the WPR methodology allows us to make an adjustment for differences in merchandise in these

complex, custom-made units. Therefore, circumstances of sale adjustments are governed solely by the statute and the Department's regulations.

Because Fuji has allocated its profit across the entire sale without identifying the portion of profit attributable to each part of the sale, we have adjusted only for the costs incurred in completing the sale. In addition, the overhead figure Fuji used in its claims for circumstance of sale adjustments reflects the entire experience of the factory, which produces merchandise not subject to the antidumping finding on transformers. Fuji has not demonstrated how the factory's gross overhead ratio bears a direct relationship to the sale, as required by 19 CFR 353.56(a). Therefore, we have disallowed the profit and overhead portions of Fuji's claims for circumstance of sale adjustments for sales in both markets.

Comment 12: Fuji notes that the Department used the FMV of the incorrect home market sale in its preliminary calculation for the unit sold to BPA (AD69062T1). Although the memorandum to the file indicates that the comparison unit is the Tokyo (Akishima) unit (AJ15130T1), the preliminary calculations reflect figures for the Hokkaido (AC50850T1) sale. Fuji requests that the Department correct this error.

Department's Position: We agree and have compared the BPA unit to the Tokyo (Akishima) unit for the final results of review.

Comment 13: Fuji notes that the figures used in the preliminary calculations for the sale to Tacoma (AE69053T1), compared to the home market unit sold the Hokkaido (AC50850T1), are incorrect. The home market unit adjustments for oil and credit are those of a different home market unit. Fuji requests that the Department correct this error for the final results.

Department's Position: For the preliminary results, we applied the credit figure for the Hokkaido unit which reflects the period between shipment and final payment. We have used this same figure for the final results (see our response to comment 9). However, we have made no adjustment to FMV for the cost of oil, as we discuss in response to comment 15.

Comment 14: Fuji asserts that the Department did not appropriately deduct from FMV or U.S. price the value of the spare and additional parts which were part of the customers' contracts, yet are not covered by the WPR. Fuji argues that allocation of the overhead and profit, attributable to those spare parts to the transformers, overstates the price of the transformers. Rather, the Department should deduct the full value of the additional items, including the overhead and profit amounts Fuji demonstrated were applicable to those items.

Department's Position: The WPR methodology has been established to allow the Department to make comparisons between complex, custom-made units. However, the items at issue here are not specified in the WPR. Therefore, we make an adjustment for physical difference by adjusting FMV for the items' costs. Our authority for making these adjustments is governed by 19 CFR 353.57. Fuji's figures reflect fixed and variable overhead costs, as well as profit allocated over the entire sale. In adjusting the price for these differences in physical characteristics, however, the Department limits the adjustment to the variable costs of providing these items (see *Certain Electric Motors from Japan* (49 FR 32627, August 15, 1984)). Therefore, in our transformer comparisons, the additional adjustment for non-WPR items reflects the direct cost of manufacture.

Comment 15: Fuji disagrees with the Department's methodology of accounting for the difference in oil provisions of U.S. and home market contracts. Fuji maintains that, due to the nature of the WPR methodology, the results are inequitable because the Department reduces the U.S. price by the amount of the actual oil expenses and reduces the WPR theoretical price by the 1968 figure of $0.22. However, when determining FMV, the Department makes no adjustment to FMV or to the WPR theoretical price for the cost of oil. Such inequitable treatment results in artificial dumping margins.

Department's Position: We did not include the cost of oil in any of Fuji's U.S. sales, since either the oil was added after importation of the transformer or the oil was not included in the relevant contract price.

On the other hand, with respect to most of the sales used for the purpose of FMV, the terms of the sale include the provision of oil. Therefore, oil is included in the FMV. It is unnecessary to make any difference in merchandise adjustment between the U.S. price and FMV because the WPR ratio already accounts for this. The WPR provides an adjustment for $0.22 per gallon, which we make to the theoretical price. This is consistent with our practice in previous reviews of antidumping findings on large power transformers (see, e.g., 52 FR 46806, December 10, 1987).

Comment 16: Fuji asserts that the appropriate home market price to use in the efficiency adjustment calculation is the home market price less all movement and circumstance-of-sale expenses. For the preliminary results, the Department used the home market price less only movement expenses in its calculation. Because the efficiency adjustment measures the efficiency of the transformer itself, Fuji argues that the price the Department applies in the calculation should not include other items, such as spare parts, supervision expenses, commissions, credit, and home market packing.

Department's Position: We agree that the efficiency adjustment should only reflect the value of the transformer which the customer received. Therefore, we have made this calculation for each transformer using the ex-factory home market price, net of all appropriate circumstance of sale adjustments.

Comments on Technical Calculations

Comment 17: Petitioner asserts that the Department neglected to include a 1 percent adder for the extended warranty of unit AZ69009T1, which Fuji sold to Grand Haven.

Department's Position: Our preliminary calculations included this adjustment.

Comment 18: Petitioner argues that the Department should include a 3 percent adder for the 36-month extended warranties of the additional units Fuji sold to Grand Haven, units AZ69009T2 and AZ69009T3.

Department's Position: We agree and have changed our calculations for the final results.

Comment 19: Petitioner argues that the WPR calculation of the DWR unit, AZ69024T1, should include a 3 percent adder for the 36-month warranty, a 2 percent adder for the in/out warranty, a 3.5 percent adder to account for manufacture of the unit further than 3500 miles from its destination, and a 5 percent adder for the special seismic reinforcement requirement of the bid specifications. In addition, the WPR calculations should include dollar adders for 9 low voltage bushing current transformers (BCTs), 1 high-voltage BCT, the special paint finish, and spare parts.

Department's Position: We disagree. An adder of 1 percent is the maximum extended warranty provided in the WPR for a transformer of this size. We have included this adder. Regarding the in/out warranty, we find no information on the record which indicates that an in/out warranty was included in the sale.

The contract states that the price will be lowered by 3.5 percent if the unit is manufactured at a site further than 3500 miles from its destination. This is not a

technical specifications item for which we should consider an adjustment to the WPR price. Rather, we have considered whether this contractual requirement affects the actual price of the transformer. Because we are satisfied that the price we have used in our calculations reflects the final price of the transformer, which may or may not have included the 3.5 percent adder at the end of negotiations, we have not adjusted the U.S. price by 3.5 percent.

We have examined the appropriateness of a special seismic reinforcement adjustment in the WPR price methodology we use in these proceedings. We have taken into account the fact that transformers in the United States are frequently transported by rail and the bracing required for such transportation is comparable to the special seismic reinformcement which some foreign and U.S. customers require. Since the bracing requirement is part of standard transformer design, we have not included a special adder to the WPR price for special seismic reinforcement.

We have included an amount for the BCTs in our calculations. According to our review of the documentation, the paint requirements for this unit are standard. Therefore, we have not added an amount to the theoretical price for special paint. Finally, because the spare parts are not covered by the WPR, we have adjusted the actual price for the inclusion of spare parts in the contract.

Comment 20: Petitioner asserts that the Department miscalculated the pricing kVA of unit AE69183T1, which Fuji sold to TAMCO.

Department's Position: We disagree. In the WPR applicable to this transformer, step 1.3. addresses no-load-tap-changing equipment. Use of step 1.3.A. is appropriate if the unit has no-load-tap-changing equipment. Use of step 1.3.B. is appropriate if the unit does not have no-load-tap-changing equipment. Because the TAMCO unit does not have no-load-tap-changing equipment, we have calculated the kVA using step 1.3.B.

Comment 21: Petitioner asserts that the WPR calculations for the DOW unit, AC69110T1, should include a 1 percent adder for the FOB destination of the sale, a 1 percent adder for the 18-month warranty, and an adder for the impulse test required by the bid specifications.

Department's Position: We disagree with petitioner. There is no adder in WPR 48–620 for FOB destination terms. We agree that the adders for the 18-month warranty and impulse test are appropriate.

Comment 22: Petitioner asserts that the WPR calculation of unit AD69061T1, which Fuji sold to the DWR Edmonston plant, should include a 2 percent adder for the in/out warranty, a 3 percent adder for the extended warranty, and a 5 percent adder for the special seismic shock reinforcement requirement. In addition, the calculations should include a dollar adder for the cost of spare parts.

Department's Position: We disagree. We see no requirement in the record that an in/out warranty was part of this sale. Because the maximum warranty provision in WPR 48–620 is for 1 percent, we have limited our addition to 1 percent for the warranty. See our response to comment 19 regarding an adder for special seismic reinforcement. Finally, because the spare parts are not covered by the WPR, we have adjusted the actual price for the inclusion of spare parts in the contract.

Comment 23: Petitioner argues that the WPR calculation for the BPA unit, AD69062T1, should include a 5 percent adder for the two warranties and the FOB destination term of sale.

Department's Position: We disagree. There is no indication that the specifications required an in/out warranty or an extended warranty. There is a one-year warranty specified in the contract. Because the WPR assumes a one-year warranty in its figures, we have not included an adder for any warranty requirements. Regarding petitioner's assertion regarding FOB terms, please see our response to comment 21.

Comment 24: Petitioner argues that the WPR calculation for the Tacoma unit, AE69053T1, should include a 5 percent adder for the extended and in/out warranties.

Department's Position: We disagree. We see no requirement in the record that an in/out warranty was part of this sale. Because the maximum warranty provision in WPR 48–620 is for 1 percent, we have limited our addition to 1 percent for the extended warranty.

Comment 25: Petitioner argues that the WPR calculation for the BOR unit, AJ69085T1, should include a 2 percent adder for the in/out warranty, a 3 percent adder for the five-year extended warranty, and a dollar adder for the special paint finish.

Department's Position: We agree that the 2 percent adder for the in/out warranty is appropriate for the BOR unit. However, the maximum warranty provision in WPR 48–620 is for 1 percent, so we have limited our addition to 1 percent for the extended warranty.

According to our review of the documentation, the paint requirements for this unit are standard. Therefore, we have not added an amount to the theoretical price for special paint.

Comment 26: Petitioner argues that the WPR calculations for the home market units Fuji sold to Nippon Kokan, Idemitsu, Ube, and Tokyo (Akishima) should not include the 2 or 3 percent adders for special charges, since these special charges are not identified in the specification sheets for these units.

Department's Position: We disagree. Provisions for special charges are specified in Rules 53 and 54 of WPR 48–620. Because Fuji's detailed specification sheets indicate that there were such additional charges in the contract for the special warranty and extended warranty, we have made an adjustment to the WPR price.

Comment 27: Petitioner asserts that the Department miscalculated the pricing kVA of the Itoh Seitetsu unit. As an example, petitioner notes that the special impedance should have an adder of 3 percent, not 14 percent as the Department calculated. In addition, the Department included an adder for special charges without justification.

Department's Position: We disagree. Because this transformer does not have no-load-tap-changing equipment, the correct kVA pricing calculation in WPR 45–520 for this transformer is at step 1.3.B., not step 1.3.A., as petitioner proposes (see our position in response to comment 20).

We note that the adder for impedance is separate from the calculation of the kVA price. Because the Japanese and U.S. standards regarding temperature rise vary, and this affects our theoretical WPR price, we must correct the transfomer's guaranteed impedance for the difference in the two standards (the 1968 WPR assumes the U.S. standard of 55°C temperature rise and the Japanese standard assumes 50°C temperature rise). After adjusting for these differences in temperature rise, we apply Rule 5 as the adder for impedance.

Our addition of 2 percent for special charges accounted for the in/out warranty provision of the contract.

Comment 28: Petitioner disagrees with the Department's inclusion of a 2 percent adder for special charges or a dollar adder for special paint finish in the WPR calculation of the unit Fuji sold to Hokkaido.

Department's Position: The transformer had special paint for salt exposure, which we have included in the WPR price. We have accounted for the contract's requirement of an in/out warranty by applying the 2 percent adder for special charges.

Comment 29: Fuji asserts that the Department's WPR price for the two

DWR units, AZ69024T1 and AZ69024T2, requires several corrections. First, the amount for additional taps should be 0.5, not 5.5 as listed in the preliminary calculations. Second, Fuji does not agree with the Department's adder of $4467 for winding temperature equipment. Fuji calculates an amount of $666. Third, although lightning arresters were required in the original contract, the verification documents demonstrate that the contract was amended to remove the lightning arresters. Finally, Fuji questions the adder for bushings. Since the DWR units required standard bushings for the appropriate current levels, no adder is necessary.

Department's Position: The WPR requires an adder of 0.5 percent for one additional tap and 5 percent under Rule 17 for winding complications. Therefore, the total adder is 5.5 percent, which is what we used in our preliminary calculations. Our review of Fuji's documentation indicates that the adder of $4467 for winding temperature equipment is correct. We have removed the adder for lightning arresters. We note that the bushing standards are by voltage of the transformers, not by the current. Therefore, our calculation reflects the voltage characteristics of the units.

Comment 30: Fuji argues that the Department used the incorrect WPR to calculate the theoretical price of the Noranda unit, AE69633T3. Since the capacity of the Noranda unit is 130,000 kVA and the comparable unit (Volta, AE69700T1) is 83,200 kVA, the large power transformer WPR should have been used, not the medium power transformer WPR. In addition, the calculation of kVA is correct, yet the wrong kVA was used in the complete calculations. In addition, the adder for bushings is incorrect.

Regarding the Volta unit, Fuji asserts that the Department's WPR theoretical price does not include an adder for a temperature rise test or the adder for the automatic control. Finally, Fuji requests that the Department account for the oil purifier and insulation oil in its calculations.

Department's Position: We have used WPR 45–421, which is for Furnace and Rectifier Transformer Voltage Control Equipment. The Noranda and Volta units are regulating autotransformers and fall within this WPR, which covers a range of 500–150,000 kVA with a primary voltage to 69 kV.

There is no evidence on the record that Fuji conducted a temperature rise test on a thermally duplicate transformer. Therefore, we have included one temperature rise test in the WPR price of the transformer.

Similar to our response to comment 29, the bushing standards are by voltage of the transformers, not by the current. Therefore, our calculation reflects the voltage characteristics of the unit.

None of the technical documentation on the record indicates that the Volta unit had an oil purifier as an accessory to the load tap changer. Therefore, we have made no adjustment to the theoretical WPR price or FMV for this kind of equipment. We have amended the theoretical WPR to reflect the adder for an automatic control for the load tap changer.

We have not made an adjustment for oil inclusion, as we discuss in response to comment 15.

Comment 31: Fuji argues that the Department should make an adjustment to the WPR prices of various home market and U.S. units for which additional seismic reinforcement was necessary to meet the customers' requirements. The bracing necessary to meet those requirements far exceeds the strength of the units which the WPR calculation assumes.

Department's Position: We disagree. See our response to comment 19.

Final Results of Review

As a result of the comments received and the correction of certain clerical errors, we determine that the following margins exist:

Manufacturer/exporter	Period	Margin (percent)
Fuji Electric Corp	9/1/75–5/31/85	4.22
	6/1/85–5/31/86	*4.22
	6/1/86–5/31/87	0.0
Hitachi Elsctric Corp	6/1/86–5/31/87	*9.8
Toshiba Corp	6/1/86–5/31/87	*9.39

*No shipments; margins from last administrative review in which there were shipments.

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, as provided for in section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required on entries of this merchandise from these firms. For Fuji, the cash deposit rate will be zero percent, based on the most recent review of its entries. For any future entries of this merchandise from an exporter not covered in this or in any prior reviews, whose first shipments occurred after May 31, 1987, and who is unrelated to any reviewed firm or any previously reviewed firm, a cash deposit of zero percent shall be required. These deposit requirements are effective for all shipments of Japanese large power transformers entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: June 17, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91–15224 Filed 6–25–91; 8:45 am]

BILLING CODE 3510-DS-M

[A–351–505]

Malleable Cast Iron Pipe Fittings From Brazil; Determination Not To Revoke Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Determination not to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on malleable cast iron pipe fittings from Brazil.

EFFECTIVE DATE: June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Dennis U. Askey or John R. Kugelman, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377–3601.

SUPPLEMENTARY INFORMATION:

Background

On May 2, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FGR 20193) its intent to revoke the antidumping duty order on missiles cast iron pipe fittings from Brazil (51 FR 18640, May 21, 1986). The Department may revoke an order if the Secretary concludes that the order is no longer of interest to interested parties. We did not receive a request for administrative review of the order for the last four consecutive annual anniversary months and, therefore, published a notice of intent to revoke the order pursuant to 19 CFR 353.25(d)(4).

On May 30, 1991, the Cast Iron Pipe Fittings Committee, an interested party, objected to our intent to revoke the order. Therefore, we no longer intend to revoke the order.

Dated: June 18, 1991.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 91–15222 Filed 6–25–91; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-820]

Initiation of Antidumping Duty Investigation: New Minivans From Japan

AGENCY: Import Administration, International Trade Administration, Commerce.

EFFECTIVE DATE: June 26, 1991.

FOR FURTHER INFORMATION CONTACT: David Binder, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–1779.

Initiation

Petition

On May 31, 1991, Chrysler Corporation, Ford Motor Company, and General Motors Corporation filed with the Department of Commerce (the Department) an antidumping duty petition on behalf of the United States industry producing minivans. In accordance with 19 CFR 353.12, the petitioners allege that imports of new minivans from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threatening material injury to, a U.S. industry. The petitioners supplemented the petition on June 17, 1991.

The petitioners have stated that they have standing to file the petition because they are interested parties, as defined in 19 CFR 353.2(k), and because they have filed the petition on behalf of the U.S. industry producing minivans. If any interested party, as described in 19 CFR 353.2(k) (3), (4), (5), or (6), wishes to register support for, or opposition to, this investigation, please file written notification with the Assistant Secretary for Import Administration.

United States Price and Foreign Market Value

Petitioners base their estimates of United States price (USP) on published dealer prices for Toyota and Mazda minivans. Petitioners have based USP on exporter's sales price because both Toyota and Mazda sell their minivans through their U.S. subsidiaries. Petitioners adjusted USP, as appropriate, for foreign inland freight and handling, ocean freight, marine insurance, pipeline financing, advertising, U.S. selling and administrative expenses, import duties, and sales incentives.

Petitioners base their estimates of Foreign Market Value (FMV) on published dealer retail prices for Toyota and Mazda minivans. Petitioners adjusted FMV for dealer discounts, inland freight, pipeline financing, advertising, selling and administrative expenses, and differences in merchandise.

Petitioners allege dumping margins ranging from 5.4 to 30.5 percent.

Initiation of Investigation

Under 19 CFR 353.13(a), the Department must determine, within 20 days after a petition is filed, whether the petition probably alleges the basis on which an antidumping duty may be imposed under section 731 of the Act, and whether the petition contains information reasonably available to the petitioners supporting the allegations. We have examined the petition on new minivans from Japan and find that it meets the requirements of 19 CFR 353.13(a). Therefore, we are initiating an antidumping duty investigation to determine whether imports of new minivans from Japan are being, or are likely to be, sold in the United States at less than fair value.

In accordance with 19 CFR 353.13(b), we are notifying the International Trade Commission (ITC) of this action.

Any producer or reseller seeking exclusion from a potential antidumping duty order must submit its request for exclusion within 30 days of the date of the publication of this notice. The procedures and requirements regarding the filing of such requests are contained in 19 CFR 353.14.

Scope of Investigation

The products covered by this investigation are new minivans. Minivans are on-highway motor vehicles, with a gross vehicle weight that is generally less than 6,000 pounds, a height that is generally between 62 and 75 inches, having a single, box-like structure that envelopes both the space for the driver and front-seat passenger and the rear space (which has flat or nearly flat floors and is usable for carrying passengers and cargo), a hood that is generally sloping and a short distance from the cowl to the front bumper relative to the overall length of the vehicle, a seat configuration that permits passengers to walk from the front area to the rear area of the vehicle, and a rear side access door (or doors) and a rear door (or doors) that provide wide and level access to the rear area. During this investigtion, we will continue to consider this definition of the scope and will refine it if necessary. Minivans are currently classified under either subheading 8703 or subheading 8704 of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Preliminary Determination by ITC

The ITC will determine by July 15, 1991 whether there is a reasonable indication that imports of new minivans from Japan are materially injuring, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated. If affirmative, the Department will make its preliminary determination on or before November 7, 1991, unless the investigation is terminated pursuant to 19 CFR 353.17 or the preliminary determination is extended pursuant to 19 CFR 353.15.

This notice is published pursuant to section 732(c)(2) of the Act and 19 CFR 353.13(b).

Dated: June 19, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-15225 Filed 6-25-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-549-501]

Certain Circular Welded Carbon Steel Pipes and Tubes From Thailand; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on certain circular welded carbon steel pipes and tubes from Thailand for the period January 1, 1988 through December 31, 1988. We preliminarily determine the total bounty or grant to be 0.90 percent *ad valorem* for Saha Thai and 7.18 percent *ad valorem* for all other exporters. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore or Paul McGarr, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On August 7, 1989, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (54 FR 32365) of the countervailing duty order on certain circular welded carbon steel pipes and tubes from Thailand (50 FR 32751; August 14, 1985). On August 31, 1989, the petitioners, the standard pipe subcommittee of the Committee on Pipe and Tube Imports and its individual producer members, requested an administrative review of the order. We initiated the review, covering the period January 1, 1988 through December 31, 1988, on September 20, 1989 (54 FR 38712). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by this review are shipments of circular welded carbon steel pipes and tubes, with an outside diameter of 0.375 inch or more but not over 16 inches, of any wall thickness. These products, commonly referred to in the industry as standard pipe or structural tubing, are produced to various ASTM specifications, most notably A-120, A-53 and A-135. During the review period, such merchandise was classifiable under item numbers 610.3231, 610.3234, 610.3241, 610.3242, 610.3252, 610.3254, 610.3256, 610.3258 and 610.4925 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under item numbers 73.04.1010, 73.04.2050, 73.04.2070, 73.04.3100, 73.04.3900, 73.04.9050, 73.05.1010, 73.05.1110, 73.05.1210, 73.05.1910, 73.05.3140, 73.05.3910, 73.05.9010, 73.05.2060, 73.06.9010 of the Harmonized Tariff Schedule. The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1988 through December 31, 1988, and nine programs. Six producers of the Thai pipes and tubes exported the subject merchandise to the United States during the review period. Only one exporter, Saha Thai, responded to the Department's questionnaire.

Analysis of Programs

(1) Tax Certificates for Exports

Under the Tax and Duty Compensation of Exported Goods Produced in the Kingdom Act of 1981 (Tax and Duty Act), the Royal Thai Government (RTG) issues tax certificates to the exporter of record to rebate indirect taxes and import duties on inputs used to produce exports. The rebate rates are computed on the basis of an input/output (I/O) study initially published in 1980 based on 1975 data, and updated in 1985 using 1989 data.

The Thai Ministry of Finance uses the I/O study to compute the value of total inputs (both imports and local purchases) used in a discrete range of sector-specific products at ex-factory prices. The Ministry then calculates the import duties and indirect taxes on each input, and two rebate rates. The "A" rate rebates import duties and indirect domestic taxes. The "B" rate rebates only business taxes. The "B" rate is used by exporters that receive duty drawback, import duty exemptions on raw materials, or that do not use imported raw materials in their production process. The "A" or "B" rate is then applied to the total f.o.b. value of the export to determine the amount of the rebate.

The rebates are paid to companies by tax certificates which can be used to pay various tax liabilities, transferred or sold to other companies. The rebate rates in effect during the review period were set forth in the "Notification of the Committee on Tax Rebates, No. Or. 2/2529," effective February 5, 1986. The calculation of these rates was based on the updated I/O study published in 1985. The "A" rate for secondary steel products (sector I/O 106), which includes circular welded carbon steel pipes and tubes, is 8.11 percent, and the "B" rate is 4.98 percent.

In Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Certain Apparel from Thailand, 50 FR 9818 (March 12, 1985), we examined Thailand's rebate system under the Tax and Duty Act. We found that the program was intended to rebate indirect taxes and import duties and that the rebate rates had been reasonably calculated. In subsequent investigations involving products from Thailand, including the investigation in this proceeding, we reaffirmed this determination. See, Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Carbon Steel Butt-Weld Pipe Fittings from Thailand, 55 FR 1695 (January 18, 1990) (*Butt-Weld Pipe Fittings*). Because this program is available only to exporters, it is countervailable to the extent that it confers a rebate in excess of the Department's calculated allowable rebate of import duties and indirect taxes.

To calculate the rate of allowable rebate, the Department must first determine the f.o.b. value of exports. The value of all domestically-produced finished goods, as shown in the I/O tables, is an ex-factory value. Because the rebate is applied to the f.o.b. value of export, we adjusted the ex-factory value to reflect an f.o.b. value. The I/O tables do not separate wholesale margin and transportation costs applicable solely to domestically-produced finished goods. Therefore, we divided the wholesale margin and transportation costs for all finished goods in the I/O 106 sector, including imports, by the ex-factory value of imported and domestically-produced finished goods in the sector. We then multiplied the ex-factory value of all domestically-produced finished goods in the sector by this ratio. We added the result to the ex-factory value of domestically-produced

finished goods in order to obtain f.o.b. adjusted value.

Consistent with Butt-Weld Pipe Fittings, we divided the import duties and tax incidence on all items physically incorporate into I/O 106 sector products by the f.o.b. adjusted value of all domestically produced finished goods in the sector to obtain the allowable rebate rates. We then compared the authorized rebate rate of 8.11 percent, which is based on both physically and non-physically incorporated inputs, to the allowable rebate rate and found that there is an excessive remission of import duties and indirect taxes to exporters of pipes and tubes. The difference between the "A" rate and the allowable rebate is 0.81 percent. To calculate the overrebate of the "B" rate, we followed the same procedure outlined above, except that we divided the domestic taxes by the f.o.b. adjusted value and compared the result to the authorized rebate rate of 4.98 percent. The difference between the "B" rate and the allowable rebate is 0.51 percent.

Saha Thai only used the "B" rate. For the exporters that did not respond to our questionnaire, we used the best information available ("BIA"), in accordance with section 776(c) of the Tariff Act. As BIA, we assumed that the nonresponding exporters used only the "A" rate. On this basis, we preliminarily determine the benefit from this program to be 0.51 percent *ad valorem* for Saha Thai and 0.81 percent *ad valorem* for all other exporters.

(2) Export Packing Credits

Export packing credits (EPCs) are short-term pre-shipment and post-shipment export loans. Exporters apply to commercial banks for EPCs and the commercial banks, in turn, submit the applications to the Bank of Thailand (BOT) for approval. Under the "Regulations Governing the Purchase of Promissory Notes Arising from Exports" (B.E.2528), effective January 2, 1986, the BOT repurchases promissory notes issued by creditworthy exporters through commercial banks. To qualify for the repurchase arrangement, promissory notes must be supported by a letter of credit, sales contract, purchase order, usance bill or warehouse receipt. The notes are available for a maximum of 180 days and interest is payable on the due date of the loan.

The BOT charges the commercial bank account for the principal amount plus five percent interest per annum on repurchased packing credits issued in connection with exports in categories one and two of the "Notification of the Board of Investment No. 40/2521." If the terms of the loan are not met, the BOT charges the commercial bank a penalty, retroactive to the first day of the loan, at an eight percent interest rate. The commercial bank then charges the exporter's account for the principal amount plus seven percent interest on the due date of the loan. If the exporter has not met the terms of the loan, the commercial bank passes on the additional eight percent penalty charge over the term of the loan.

If the exporter can prove that shipment of the goods took place within 60 days after the due date (in the case of pre-shipment loans), or the foreign currency was received within 60 days after the due date (in the case of post-shipment loans), the penalty is refunded to the commercial bank by the BOT. If only a portion of the goods was shipped or only a portion of the foreign currency was received by the due date, the exporter receives only a partial refund, proportional to the value of the goods shipped or the foreign currency received. The purpose of the penalty charge is to ensure that companies are using the EPCs to finance export sales.

On October 1, 1988, the RTG issued new regulations that coexisted with the prior regulations until December 31, 1988. Effective October 1, 1988, all first time applicants for EPCs had to apply under the new regulations. EPCs received under the previous regulations, but still outstanding as of January 1, 1989, continued under those regulations until their expiration dates.

Under the new regulations, only pre-shipment financing is permitted. The maximum rate commercial banks can charge exporters was increased from 7 to 10 percent. In addition, commercial banks can lend up to 100 percent of the shipment value, but can only rediscount up to 50 percent of the loan amount with the BOT. Under the previous regulations, the commercial banks could only lend up to 90 percent of the shipment value and the BOT rediscounted 100 percent of the loan amount. Because only exporters are eligible for these loans, we preliminarily determine that they are countervailable to the extent that they are provided at preferential rates.

For our benchmark interest rate, we used the weighted-average interest rate charged by commercial banks on domestic loans, bills, and overdrafts. We have used the data on these rates as the basis for our benchmark in all previous Thai cases. See, e.g., Butt-Weld Pipe Fittings. For this review, we used a benchmark rate of 9.57 percent.

To calculate the benefit from the EPC loans on which interest was paid during 1988, we compared the amount of interest actually paid during the review period to the amount that would have been paid at the benchmark rate. For Saha Thai, we divided the company's benefit by its total exports of the subject merchandise to the United States.

For the exporters that did not respond to our questionnaire, we used, as BIA, the highest company EPC rate calculated in the last administrative review. On this basis, we preliminarily determine the benefit from this program to be 0.39 percent *ad valorem* for Saha Thai and 1.60 percent *ad valorem* for all other exporters.

(3) Electricity Discounts for Exporters

The three electricity generating authorities of Thailand, the Electricity Generating Authority (EGAT), the Metropolitan Electricity Authority (MEA), and the Provincial Electrical Authority (PEA), provide discounts on electricity rates charged to producers of export products. All exporters that are eligible to receive tax certificates qualify for the electricity discounts.

Once the export transaction has been completed, the exporter may apply for the discount by presenting to the electricity authority from which it receives its electricity bill the appropriate documents to verify that an export shipment has been made. The discount is calculated based on the rebate rate in effect and consumption by the company, and the discount is credited on a subsequent electricity bill.

Because electricity discounts are available only to exporters, we preliminarily determine that they are countervailable. Saha Thai did not apply for or receive electricity discounts during the review period. For the exporters that did not respond to our questionnaire, we used, as BIA, the highest company electricity discount benefit calculated in our last administrative review. On this basis, we preliminarily determine the benefit from this program to be zero for Saha Thai and 2.08 percent *ad valorem* for all other exporters.

(4) Tax and Duty Exemptions Under Section 28 of the Investment Promotion Act

The Investment Promotion Act (IPA) of 1977 provides incentives for investment to promote development of the Thai economy. The IPA authorizes, among other incentives, the exemption of import duties and domestic taxes with respect to qualifying projects. Section 28 of the IPA provides an exemption from payment of import duties and business taxes on machinery

used to produce promoted products. Because benefits under this program are contingent upon export performance, and cover capital equipment (*i.e.*, machinery) that is not physically incorporated in the subject merchandise, we preliminarily determine that the benefits provided under this program are countervailable. See Butt-Weld Pipe Fittings.

Saha Thai did not apply for or receive any benefits under the IPA program during the review period. For the exporters that did not respond to our questionnaire, we used, as BIA, the benefit calculated in Butt-Weld Pipe Fittings for this program in the 1988 review period of 1.89 percent *ad valorem*. On this basis, we preliminarily determine the benefit from this program to be zero for Saha Thai and 1.89 percent *ad valorem* for all other exporters.

(5) Other Programs

We also examined the following programs and preliminarily determine that the exporters of the subject merchandise did not use them during the review period.

A. Repurchase of Industrial Bills.

B. Export Processing Zones.

C. International Trade Promotion Fund.

D. Reduced Business Taxes for Producers of Intermediate Goods for Export Industries.

E. Additional Incentives under the IPA.

- Income tax exemption.
- Goodwill and royalties tax exemption.
- Tax deduction of foreign marketing expenses and foreign taxes.
- Exemption of sales tax for promoted industries.
- Exemption on export duties and business taxes on products produced or assembled by promoted firms.
- Deduction from assessable income of an amount equal to 5 percent of the increase over the previous year of income derived from exports.

Preliminary Results of Review

As a result of our review, we preliminarily determine the total bounty or grant for the period January 1, 1988 through December 31, 1988 to be 0.90 percent *ad valorem* for Saha Thai and 7.18 percent *ad valorem* for all other exporters.

The Department intends to instruct the Customs Service to assess countervailing duties of 0.90 percent of the f.o.b. invoice price on shipments form Saha Thai and 7.18 percent of the f.o.b. invoice price on shipments from all other firms exported on or after January 1, 1988 and on or before December 31, 1988.

Further, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, of 0.90 percent of the f.o.b. invoice price on all shipments of the subject merchandise from Saha Thai and 7.18 percent from all other firms from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Parties to the proceeding may request disclosure of the calculations methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with § 355.38(e) of the Commerce regulations.

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 355.38(c), are due.

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and 19 CFR 355.22).

Dated: June 20, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91-15227 Filed 6-25-91; 8:45 am]

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[C-122-404]

Live Swine From Canada; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on live swine from Canada for the period April 1, 1989 through March 31, 1990. We preliminarily determine the net subsidy to be Can$0.0051/lb. for sows and boars, and Can$0.0937/lb. for all other live swine. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: June 25, 1991.

FOR FURTHER INFORMATION CONTACT: Britt Doughtie or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On August 8, 1990, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (55 FR 32280) of the countervailing duty order on live swine from Canada (50 FR 32880; August 15, 1985). On August 17, 1990, the National Pork Producers Council requested an administrative review of the order. We initiated the review, covering the period April 1, 1989 through March 31, 1990, on September 24, 1990 (55 FR 39032). The Department has now conducted that administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by this review are shipments of live swine from Canada. Such merchandise is classifiable under the Harmonized Tariff Schedule (HTS) item numbers 0103.91.00 and 0103.92.00. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period April 1, 1989 through March 31, 1990 and 39 programs.

Analysis of Programs

I. Federal Programs

1. Feed Freight Assistance Program

The Feed Freight Assistance (FFA) Program is administered by the Livestock Feed Board of Canada (the Board) under the Livestock Feed Assistance Act of 1966 (LFA). The Board acts to ensure: (1) The availability of feed grain to meet the needs of livestock feeders; (2) the availability of adequate

storage space in Eastern Canada to meet the needs of livestock feeders; (3) reasonable stability in the price of feed grain in Eastern Canada to meet the needs of livestock feeders; and (4) equalization of feed grain prices to livestock feeders in Eastern Canada, British Columbia, the Yukon Territory or the Northwest Territories. Although this program is clearly designed to benefit livestock feeders, FFA payments are also made to feed mills that transform the feed grain into livestock feed, when these feed mills are the first purchasers of this grain. The Board makes payments related to the cost of feed grain storage in Eastern Canada, and payments related to the cost of feed grain transportation to, or for the benefit of, livestock feeders in Eastern Canada, British Columbia, the Yukon Territory and the Northwest Territories, in accordance with the regulations of the LFA.

Because this program benefits only a specific group of enterprises or industries, namely livestock feeders and grain millers, in specific areas, namely Eastern Canada, British Columbia, the Yukon Territory and the Northwest Territories, we preliminarily determine that the program is countervailable. During the review period, payments were made to feed grain users for transportation assistance.

The Board calculated that 3.25 percent of the total transportation expenditures for feed grain users receiving assistance under this program in FY 1989/90 benefited live swine producers in the designated areas of Canada. Therefore, we divided the amount of feed transportation expenditures attributable to live swine producers by the total weight of live swine produced in Eastern Canada (including ⅔ of Ontario, all of Quebec, and the Maritime Provinces), and British Columbia during the review period. We then weight-averaged the benefit by these areas' share of total Canadian exports of live swine, including sows and boars, to the United States. On this basis, we preliminarily determine the benefits from this program during the review period for both sows and boars, and other live swine, to be significantly less than Can$0.0001/lb., which is effectively zero.

II. Federal/Provincial Programs

1. National Tripartite Stabilization Scheme for Hogs

On June 27, 1985, the House of Commons passed Bill C–25, which authorized an amendment to the Agricultural Stabilization Act (ASA), namely section 10.1. This amendment provided for the introduction of cost-sharing tripartite or bipartite stabilization schemes involving the producer, the federal government and the provinces. Pursuant to section 10.1 of the ASA, federal and provincial ministers have signed agreements covering: (1) Apples; (2) beans (including kidney/cranberry, white pea, and other colored beans); (3) beef (including cow-calf, feeder cattle, and slaughter cattle); (4) hogs; (5) sugar beets; (6) lambs (including ewe flock and home-raised); (7) onions; and (8) honey. The onion and honey agreements were signed during this review period.

Signatories to the National Tripartite Stabilization Scheme for Hogs include the provinces of Alberta, British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario, Prince Edward Island, Quebec, and Saskatchewan.

The general terms of the Tripartite scheme for hogs are as follows: All hog producers in participating pronvinces receive the same level of support per unit; the cost of the scheme is shared equally between the federal government, the province, and the producers; producer participation in the scheme is voluntary; the provinces may not offer separate stabilization plans or other *ad hoc* assistance for hogs (with the exception of Quebec); and the federal government may not offer compensation to swine producers in a province not a party to an agreement. The scheme must operate at a level that limits losses but does not stimulate over-production.

The Tripartite Agreements provide for a five year phase-in period to adjust for differences between the Tripartite scheme and the provincial programs still in effect. Most existing provincial stabilization programs are to be completely phased out by 1991. During the review period, five provincial stabilization programs remained in effect, with programs in effect in three provinces that exported live swine to the United States during the review period (see Section III).

Hogs eligible for stabilization payments under the Tripartite scheme must index 80 or above. Sows and boars are not eligible for benefits because they are not indexed. Stabilization payments are made when the market price falls below the support price. The difference between the support price and the average market price is the amount of the stabilization payment.

Section 10.1 of the ASA does not act in law to limit the number of commodities that may be covered under agreements. Therefore, it is necessary to consider whether there is *de facto* specificity. To determine whether a program is limited to a specific enterprise or industry, or group of enterprises or industries, we consider: (1) Whether the law of the foreign government acts to limit the availability of a program; (2) the number of industries or groups thereof that actually use a program; (3) whether there are dominant users of a program, or whether certain industries or groups thereof receive disproportionately large benefits under a program; and (4) the extent to which a government exercises discretion in conferring benefits under a program (see e.g., Preliminary Results of Countervailing Duty Administrative Reviews; Carbon Steel Wire Rod from Malaysia (56 FR 14927; April 12, 1991); see also "Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments", section 355.43(b)(2), (54 FR 23379; May 31, 1969).

The Tripartite program was limited to only eleven commodities in eight agreements during FY 1989/90. Hog producers were the dominant users of the program, accounting for over 81 percent of the total payouts made in all agreements in FY 1989/90, and 72 percent of total payouts in all schemes since the inception of the Tripartite program. Furthermore, there are no explicit or standard procedures or criteria for evaluating Tripartite Agreement requests. Tripartite Agreements were rejected for asparagus, and producers of sour cherries and corn requested but did not obtain agreements (see Final Affirmative Countervailing Duty Determination; Fresh, Chilled and Frozen Pork from Canada; 54 FR 30777; July 24, 1989). For the foregoing reasons, in accordance with section 771(5)(B), we preliminarily determine that the Tripartite program is countervailable because it is limited to a specific group of enterprises or industries.

During the review period, payouts for hogs were made under the Tripartite Agreements in each of the nine signatory provinces. Six of these provinces exported to the United States during the review period. To calculate the benefit, we first divided two-thirds (representing the federal and provincial portions) of the payments made in FY 1989/90 to producers in each province by the total weight of live swine (minus sows and boars) produced in that province in FY 1989/90, and calculated a benefit per pound on a province-by-province basis. We then weight-averaged each exporting province's per-pound benefit by that province's share of total Candian exports of live swine (minus sows and boars) to the United States to calculate the average benefit per pound. On this basis, we

preliminarily determine the benefit to be zero for sows and boars, and Can$0.0874/lb. for all other live swine during the review period.

III. Provincial Price Stabilization Programs

1. British Columbia Farm Income Insurance Act—Swine Producer's Farm Income Stabilization Program (FIP)

The FIP was established in 1979 in accordance with the Farm Income Insurance Act of 1973 (the Farm Act), in order to assure income for farmers when commodity market prices fluctuate below basic costs of production. Under the Farm Act, individual commodity programs have been established for the following commodities: (1) Beef; (2) tree fruits; (3) blueberries; (4) hogs; (5) processing vegetables; (6) processing strawberries; (7) lambs; and (8) potatoes. Guidelines for the receipt of benefits by each commodity program are delineated in Schedule B of the Farm Act. Schedule B4 contains the guidelines for swine producers.

The program is administered by the provincial Ministry of Agriculture and Food and the British Columbia Federation of Agriculture, and is funded equally by producers and the provincial government. Premiums are paid in all quarters regardless of market results.

FIP payments are calculated quarterly based on the difference between costs of production and market returns. Participating producers receive FIP payments for calendar quarters during which costs of production exceed market returns. The basic costs of production and market returns are calculated quarterly according to a cost-of-production model described in the Farm Act. The same per unit cost-of-production model is used for all products receiving benefits. Sows and boars are not eligible for payments.

Because FIP is only available to farmers producing commodities specified in the Schedule B guidelines, we preliminarily determine that this program is countervailable because payments were limited to a specific group of enterprises or industries.

To calculate the benefit, we divided half of the province's stabilization payments (representing the provincial government's share) during FY 1989/90 by the total weight of live swine (minus sows and boars) produced in British Columbia. We then weight-averaged the benefit by British Columbia's share of total Canadian exports of live swine (minus sows and boars) to the United States. On this basis, we preliminarily determine the benefit to be zero for sows and boars and significantly less than Can$0.0001/lb., which is effectively zero, for other live swine during the review period.

2. Quebec Farm Income Stabilization Insurance Programs (FISI)

The FISI was established in 1976 under the "Loi sur l'assurance-stabilisation des revenus agricoles." The program is administered by the Regie des Assurances Agricoles du Quebec (the Regie). The purpose of the program is to guarantee a positive net annual income to participants whose income is lower than the stabilized net annual income. The stabilized net annual income is calculated according to a cost-of-production model that includes an adjustment for the difference between the average wage of farm workers and the average wage of all other workers in Quebec. When the annual average farm worker income is lower than the stabilized net annual income, the Regie makes a payment to the participant at the end of the year.

Two-thirds of the funding for the program is provided by the provincial government and one-third by producer assessments. Participation in a stabilization scheme is voluntary. However, once a producer enrolls in a program, he must make a five-year commitment. The maximum number of feeder hogs eligible to be insured is 5,000 per farmer, and a maximum of 400 sows per farmer may also be insured. Whenever the balance in the FISI account is insufficient to make payments to participants, the provincial government lends the needed funds to the program at market rates. The principal and interest on these loans are repaid by the Regie using the producer and provincial contributions.

Since Quebec joined the federal government's Tripartite Price Stabilization Scheme for hogs in February 1989, the FISI scheme for hogs operates by covering only the difference between payments made under the Tripartite scheme and what FISI payments would have been in absence of the Tripartite scheme. While some farmers have opted for single coverage under the Tripartite scheme, all producers who have maintained enrollment with FISI are also enrolled in the Tripartite scheme.

FISI benefits are provided through 11 schemes covering fifteen different producer groups, including: (1) Feeder calves; (2) feeder cattle; (3) slaughter cattle; (4) grain-fed calves; (5) milk-fed calves; (6) piglets; (7) feeder hogs; (8) lambs; (9) potatoes; (10) grain corn; (11) wheat; (12) barley; (13) oats and mixed grains; (14) sugar beets; and (15) soybeans. Soybean producers enrolled in FISI during the review period. Several major agricultural commodities, such as eggs, dairy products, and poultry, which make up a large portion of Quebec's total agricultural production, are not covered under this program. Since 1981, soybeans are the only new commodity to be enrolled in FISI. Because this program has been consistently providing benefits to the same group of commodities (with the exception of the addition of soybeans during the review period) over the last nine years, representing the majority of the program's life, we determine that it is limited to a specific group of enterprises or industries and is therefore countervailable.

To calculate the benefit, we multiplied the total payments made under both the piglet and feeder hog programs during the review period by two-thirds (representing the provincial portion). We divided this amount by the total weight of live swine (including sows) produced in Quebec to get the average benefit per pound. However, because no sows were exported to the U.S. during the review period, we then weight-averaged the benefit by Quebec's share of total Canadian exports of live swine (minus sows and boars) to the United States. On this basis, we preliminarily determine the benefit to be zero for boars and Can$0.0001/lb. for sows and other live swine during the review period.

3. Saskatchewan Hog Assured Returns Program (SHARP)

SHARP was established in 1976 pursuant to the Saskatchewan Agricultural Returns Stabilization Act. Under this act, the provincial government may establish a stabilization plan for any agricultural commodity. However, only hogs and cattle have such plans. SHARP provides stabilization payments to hog producers in Saskatchewan at times when market prices fall below a designated "floor price." The program is administered by the Saskatchewan Pork Producers' Marketing Board (the Board) on behalf of the provincial Department of Agriculture. Participation is voluntary and is open to all hog producers in the province. Coverage is limited to 1,500 indexed hogs per producer each quarter.

In accordance with the Tripartite Agreement, SHARP was scheduled to have been terminated by March 31, 1991. No producers have been allowed to join SHARP since December 31, 1985.

The program is funded by levies on the sale of hogs covered by the program. Levies from participating producers range from 1.5 to 4.5 percent of market

returns on the sale of hogs and are matched by the province. After the Tripartite Agreement was implemented on July 1, 1986, SHARP payments were reduced by the amount of Tripartite scheme payments. Whenever the balance in the SHARP account is insufficient to make payments to participants, the provincial government lends the needed funds to the program at terms consistent with commercial considerations. The principal and interest on these loans are repaid by the Board using the producer and provincial contributions.

The floor price for this program is calculated quarterly, and stabilization payments are made when the market price is below the floor price. Payments were made to indexed hog producers in each quarter of the review period. Sows and boars were not eligible for payments.

Because payments from this program were provided to indexed hogs and cattle only, we preliminarily determine that the program is limited to a specific group of enterprises or industries and is therefore countervailable.

To calculate the benefit, we divided half of the province's stabilization payments (representing the provincial government's portion of the payments) during FY 1989/90 by the total weight of live swine (minus sows and boars) produced in Saskatchewan. We then weight-averaged the benefit by Saskatchewan's share of total Canadian exports of live swine (minus sows and boars) to the United States. On this basis, we preliminarily determine the benefit to be zero for sows and boars and Can$0.0005/lb. for other live swine during the review period.

IV. Other Provincial Programs

1. Alberta Crow Benefit Offset Program

The purpose of this program, which is administered by the Alberta Department of Agriculture, is to eliminate market distortions in feed grain prices created by the federal government's policy on grain transportation. Assistance is provided on feed grain produced in Alberta, feed grain produced outside Alberta but sold in Alberta, and feed grain produced in Alberta to be fed to livestock on the same farm. The government provides certificates to registered feed grain users and registered feed grain merchants, which can be used as partial payments for grains purchased from grain producers. Feed grain producers who feed their own grain to their own livestock submit a claim directly to the government for payment.

Hog producers receive benefits in one of three ways. Hog producers who do not grow any of their own feed grain receive certificates which are used to cover part of the cost of purchasing grain. Second, hog producers who grow all of their own grain submit a claim to the government of Alberta for direct payment. Finally, hog producers who grow part of their own grain but also purchase grain receive both certificates and direct payments.

Because this program is limited to feed grain users, we preliminarily determine that it is limited to a specific group of enterprises or industries, and is therefore countervailable.

The payment from this program during the review period was Can$13 per ton through August 31, 1989, and Can$10 per ton from September 1, 1989 through the end of the review period. To determine the benefit to swine producers from this program, we first calculated a hog grain consumption-to-weight-gain ratio, using information from Economic Indicators of the Farm Sector, Costs of Production—Livestock and Dairy, 1989, a U.S. Department of Agriculture publication. From this document, we determined that 3.483 pounds of grain are required to grow 1 pound of swine. Because sows and boars also benefit from this program, we use the generally accepted weight of 225 pounds as the average weight of hogs, including both market hogs and sows and boars. Weanlings weigh on average 40 pounds at the time they begin eating grains. Swine therefore increase in weight 185 pounds on average prior to sale for slaughter. We calculated that each hog consumes approximately 644 pounds of grain by multiplying this 185 pound weight gain by the 3.483 ratio.

Using figures from the Alberta Supply and Disposition Tables, we estimated the total metric tons of grain consumed by livestock in Alberta during the review period. For swine production figures, we used the Supply-Disposition Balance Sheets of Statistics Canada. We multiplied this number by the average grain consumption per hog and divided the result by total grain used to feed livestock animals. We thus calculated live swine's percentage of total livestock consumption of grain in Alberta to be 14.88 percent. We then multiplied this percentage by the total value of certificates and payments received during the review period to calculate the benefit to swine producers from this program. We then weight-averaged the benefit by Alberta's share of total Canadian exports of live swine, including sows and boars, to the United States. On this basis, we preliminarily determine the benefit to be Can$0.0045/lb. for both sows and boars and other live swine during the review period.

2. Alberta Livestock and Beeyard Compensation Program (Livestock Predator Compensation Sub-program)

This program compensates Alberta livestock producers for loss of food-producing livestock, including cattle, sheep, hogs, goats, rabbits and poultry, to predators. The Alberta Departemt of Agriculture administers this program, and provides assistance in the form of grants. The amount of the grants represents a partial payment of up to 50 percent of the value of the killed livestock.

Because this program provides payments that are limited to livestock producers, we preliminarily determine that the program is limited to a specific group of enterprises or industries and is therefore countervailable. To calculate the benefit, we divided the total payment to hog producers under this program by the total weight of live swine produced in Alberta during the review period. We then weight-averaged the result by Alberta's share of Canadian exports of live swine to the United States during the review period. On this basis, we preliminarily determine the benefits from this program during the review period for both sows and boars, and other live swine, to be significantly less than Can$0.0001/lb., which is effectively zero.

3. Alberta Farm Water Grant program.

This program, operated under the Department of Alberta Transportation and Utilities Act, Utilities Grants Regulation, provides financial assistance, in the form of grants, to all Alberta farmers and ranchers planning to construct water transmission facilities to overcome drought conditions. The program is available to all Alberta farmers and ranchers. Because this program is not limited to a particular enterprise or industry, we preliminarily determine that this program is not countervailable.

4. British Columbia (B.C.) Feed Grain Market Development Program

This program was initiated on August 1, 1987, and was terminated at the end of the 1988 crop year, with the last payments being issued in February 1990. It was designed to address two issues: (1) The cash-flow problem for the grain producers in the Peace River area of Northern British Columbia, and (2) the drain of livestock into Alberta for feeding and slaughter (primarily for cattle) due to the Alberta Crow Benefit

Offset Program. The program provided Can$15/ton to the grain producers when the grain was sold in British Columbia. Livestock producers purchasing this grain were paid in Can$11/ton of feed grain purchased. The payments provided an incentive for the grain users to purchase the more expensive (due to transportation costs) B.C. grain, and an incentive for the B.C. grain producers to sell in B.C., rather than exporting the grain.

Because this program is limited to grain producers and grain users in B.C., we preliminarily determine that it is limited to a specific group of enterprises or industries and is therefore countervailable.

To calculate the benefit, we divided the amount paid to swine producers by the total weight of live swine produced in British Columbia during the review period. We then weight-averaged the result by British Columbia's share of total exports of live swine, including sows and boars, to the United States during the review period. On this basis, we preliminarily determine the benefits from this program during the review period for both sows and boars, and other live swine, to be significantly less than Can$0.0001/lb., which is effectively zero.

5. Ontario Farm Tax Reduction Program

This program replaced the Ontario Farm Tax Reduction Program. Eligible farmers receive a rebate of up to 100 percent of property taxes levied on farm properties for municipal and school purposes; levied for local improvements under the Local Improvement Act; levied under the Provincial Land Tax Act or the Local Roads Boards Act; and imposed under the Local Services Boards Act, with rebate reductions for off-farm income above set levels. Farm property includes farm lands and outbuildings. Eligible properties include farms that produce food, fish, breeding horses and donkeys, pregnant mare's urine, fur-bearing animals, tobacco, flowers, nursery stock, sod or ornamentals.

Any resident of Ontario may receive a rebate if he/she owns and pays taxes on eligible properties. Residents of Southern and Western Ontario must produce farm products with a gross value of at least Can$8,000 and resident of Northern and Eastern Ontario must produce products with a gross value of at least Can$5,000. Because the eligibility criteria vary depending on the region of Ontario in which the farm is located, we preliminarily determine that this program is countervailable.

To calculate the benefit, we divided total rebates to swine producers in Eastern and Northern Ontario with sales within the Can$5,000 to Can$8,000 range by the total weight of live swine produced in Ontario during the review period. We then weight-averaged the result by Ontario's share of Canadian exports of live swine, including sows and boars, to the United States during the review period. On this basis, we preliminarily determine the benefits from this program during the review period for both sows and boars, and other live swine, to be significantly less than Can$0.001/lb., which is effectively zero.

6. Ontario Pork Industry Improvement Plan (OPIIP)

This five-year plan commenced on April 1, 1986, and was to be terminated on March 31, 1991. The plan provides grants to Ontario swine producers to enable them to improve their productivity, profitability and competitive position by increasing their efficiency. To be eligible for the plan, producers must be residents of Ontario, own or lease facilities in Ontario for swine production and have at least 20 sow equivalents. One sow equivalent is equal to one sow or 15 market weight hogs marketed annually. Ten types of grants are available to swine producers under this plan. These grants are for the following: Swine production analysis, enterprise analysis, swine ventilation, productivity and quality improvement, artificial insemination, rodent control, private veterinary herd health program, education, feed analysis, and herd health improvement. During the review period, Ontario swine producers received grants under each of these programs.

Because the OPIIP provides grants only to swine producers, we preliminarily determine that it is limited to a specific enterprise or industry and is therefore countervailable.

To calculate the benefit, we divided the total value of all grants provided to swine producers during the review period by the total weight of live swine produced in Ontario during this period. We then weight-averaged the result by Ontario's share of total Canadian exports of live swine, including sows and boars, to the United States during the review period. On this basis, we preliminarily determine the benefits from this program to be Can$0.002/lb. for both sows and boars and other live swine during the review period.

7. Ontario Dog Licensing and Livestock and Poultry Compensation Program

This program, administered by the Farm Assistance Branch of the Ontario Ministry of Agriculture and Food, provides assistance in the form of grants to compensate livestock and poultry producers when a dog or wolf kills or injures livestock or poultry. Swine producers apply for and receive compensation through the local municipal government office. The municipality determines the value and cause of the damage and then compensates the livestock or poultry producer for the damage. The Ontario Ministry of Agriculture and Food reimburses the municipality if the damage was caused by wolves.

Because this program provides payments that are limited to livestock and poultry producers, we preliminary determine that it is limited to a specific group of enterprises or industries and is therefore countervailable. To calculate the benefit, we divided the total payment to hog producers under this program by the total weight of live swine produced in Ontario during the review period. We then weight-averaged the result by Ontario's share of Canadian exports of live swine to the United States during the review period. On this basis, we preliminarily determine the benefits from this program during the review period for both sows and boars, and other live swine, to be significantly less than Can$0.0001/lb., which is effectively zero.

7. Ontario Rabies Indemnification Program

This program, administered by the Farm Assistance Branch of the Ontario Ministry of Agriculture and Food, provides assistance in the form of grants to compensate livestock producers, including producers of cattle, horses, sheep, swine, and goats, for damage caused by rabies. Producers apply for compensation through a federal inspector, who determines that the animal is suffering from rabies and orders the animal to be destroyed. A maximum of Can$100 may be paid by the province of Ontario per hog under this program, with the Ontario Ministry of Agriculture (OMAF) reimbursing the province for 40 percent of the total amount paid.

Because this program provides payments that are limited to producers of cattle, horses, sheep, swine, and goats, we preliminarily determine that this program is limited to a specific group of enterprises or industries and is therefore countervailable. To calculate the benefit, we divided the total payment to swine producers under this program by the total weight of live swine produced in Ontario during the review period. On this basis, we preliminarily determine the benefits

from this program during the review period for both sows and boars, and other live swine, to be significantly less than Can$0.0001/lb., which is effectively zero.

9. Ontario Soil Conservation and Environmental Protection Assistance Program (Manure Storage Subprogram)

This program, administered by the Soil and Water Management Branch of the Ontario Ministry of Agriculture and Food, provides assistance in the form of grants to contribute to Ontario farmers' costs of soil conservation and environmental protection facilities, as well as providing assistance to various Ontario conservation authorities and soil and crop improvement associations. To meet eligibility requirements, an Ontario farmer must produce, in normal production years, agricultural products having a gross value of at least Can$12,000. The manure storage subprogram falls under the category of environmental protection projects, with other subprograms encompassing milkhouse/parlor washwater disposal and pesticide-handling facilities.

Because the manure storage program provides payments that are limited to livestock producers with a specified income level, we preliminarily determine that the program is limited to a specific group of enterprises or industries and is therefore countervailable. To calculate the benefit, we divided the total payment to swine producers under this program by the total weight of live swine produced in Ontario during the review period. We then weight-averaged the result by Ontario's share of Canadian exports of live swine to the United States during the review period. On this basis, we preliminarily determine the benefits from this program during the review period for both sows and boars, and other live swine, to be significantly less than Can$0.0001/lb., which is effectively zero.

10. Quebec Productivity Improvement and Consolidation of Livestock Production Program

This program was established in April 1987 to provide financial assistance to livestock producers for the diversification and consolidation of farm operations. The program is limited to producers with small farming operations and is divided into eight subprograms. Swine producers are eligible only for the Farm Building Improvements Subprogram. This subprogram provides grants for changes to existing piggeries in order to consolidate single-purpose operations into farrow-to-finish operations. The grants cover up to 30 percent of the actual cost of the conversion as well as the purchase and installation of special equipment.

To be eligible for assistance, applicants must be recognized farm producers according to the Farm Producers' Act and be registered with the Bureau de Renseignements Agricoles. Producers operating farrowing facilities must maintain between 40 and 80 sows, and finishing farms must maintain between 500 and 1,000 hogs. The maximum assistance provided is Can$200 per sow and Can$25 per hog, with a amximum of Can$15,000 per farm operation for the duration of the program.

Because this program is limited to livestock producers, we preliminarily determine that it is limited to a specific group of enterprises or industries and is therefore countervailable.

To calculate the benefit, we divided the total payment to swine producers by the total weight of live swine produced in Quebec during the review period. We then weight-averaged the result by Quebec's share of total Canadian exports of swine, including sows and boars to the United States during the review period. On this basis, we preliminarily determine the benefits from this program during the review period for both sows and boars, and other live swine, to be significantly less than Can$0.0001/lb., which is effectively zero.

11. Saskatchewan Livestock Investment Tax Credit

Saskatchewan's 1984 Livestock Tax Credit Act provides tax credits to individuals, partnerships, cooperatives and corporations who owned and fed livestock marketed or slaughtered by December 31, 1989. Claimants must be residents of Saskatchewan and pay Saskatchewan income taxes. Eligible claimants receive credits of Can$25 for each bull, steer or heifer, Can$2 for each lamb and Can$3 for each hog, and the tax credits may be carried forward for up to seven years. The credit is available to hogs indexing 80 or higher; sows and boars are not eligible for this program.

Because this program is limited to livestock producers, we preliminarily determine that it is limited to a specific group of enterprises or industries and is therefore countervailable.

To calculate the benefit, we divided the total amount of hog credits used by the total weight of live swine (minus sows and boars) produced in Saskatchewan. We then weight-averaged the result by Saskatchewan's share of total exports of live swine (minus sows and boars) to the United States. On this basis, we preliminarily determine the benefit from this program to be zero for sows and boars and Can$0.0005/lb. for all other live swine during the review period.

12. Saskatchewan Livestock Facilities Tax Credit Program

This program was implemented on January 1, 1986 and provides tax credits to livestock producers applying before December 31, 1989, for investment in livestock production facilities. The credit may only be used to offset provincial taxes. Applications for tax credits must be received by the Saskatchewan Ministry of Agriculture no later than six months after the project is completed.

Livestock covered by this program can be raised for either breeding or slaughter. Eligible livestock include cattle, horses, sheep, swine, goats, poultry, bees, fur-bearing animals raised in captivity, or any other designated animals. Investments covered under the program include new buildings, improvements to existing livestock facilities, and any stationary equipment related to livestock facilities.

The program pays 15 percent of 95 percent of project costs, or 14.25 percent of total costs, in order not to overlap with the Business Investment Tax Credit Program, a federal program. Participants may carry forward any unused credit for up to seven years. Because this program is limited to livestock producers, we preliminarily determine that it is limited to a specific group of enterprises or industries and is therefore countervailable.

To calculate the benefit, we divided the tax credits used by hog producers during the review period by the total weight of live swine produced in Saskatchewan during the review period. We then weight-averaged the result by Saskatchewan's share of total exports of live swine, including sows and boars, to the United States during the review period. On this basis, we preliminarily determine the benefits from this program during the review period for both sows and boars, and other live swine, to be Can$0.0002/lb.

Other Programs

We examined the following programs and preliminary determine that exporters of live swine from Canada to the United States did not use them during the review period: (1) New Brunswick Livestock Incentives Program; (2) New Brunswick Agricultural Development Act—Swine Assistance Program; (3) New Brunswick Hog Marketing Program; (4) New

Brunswick Swine Industry Financial Restructing Program; (5) Ontario Bear Damage to Livestock Compensation Program; (6) Newfoundland Weanling Bonus Incentive Policy; (7) Newfoundland Hog Price Stabilization Program; (8) Nova Scotia Swine Herd Health Policy; (9) Nova Scotia Improved Sire Policy; (10) Prince Edward Island Hog Price Stabilization Program; (11) Prince Edward Island Swine Development Program; (12) Prince Edward Island Interest Payments on Assembly Yard Loan; (13) Ontario Export Sales Aid; (14) Western Diversification Program; (15) Federal Atlantic Livestock Feed Initiative; (16) Canada-Saskatchewan Agri-Food Development Agreement; (17) Canada-Manito Agri-Food Development Agreement; (18) Agricultural Products Board Program; (19) Canada-Ontario Canadian Western Agribition Livestock Transportation Assistance Program; (20) Prince Edward Island Swine Incentive Policy; (21) New Brunswick Swine Assistance Policy on Boars; and (22) Agricultural Stabilization Act.

Preliminary Results of Review

As a result of our review, we preliminarily determine the net subsidy for the period April 1, 1989 through March 31, 1990 to be Can$0.0051/lb for sows and boars and Can$0.0937/lb. for all other live swine.

The Department intends to instruct the Customs Service to assess countervailing duties of Can$0.0051/lb. on shipments of sows and boars and Can$0.0937/lb. on shipments of all other live swine exported on or after April 1, 1989 and on or before March 31, 1990.

As provided by section 751(a)(1) of the Tariff Act, the Department also intends to instruct the Customs Service to collect cash deposits of estimated countervailing duties of Can$0.0051/lb. on shipments of sows and boars, and Can$0.0937/lb. on shipments of all other live swine entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Parties to the proceeding may request disclosure of the calculations methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 355.38(c), are due.

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal briefs or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: June 17, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-15228 Filed 6-25-91; 8:45 am]

BILLING CODE 3510-DS-M

Short-Supply Determination; Certain Steel Rail

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of short-supply determination on certain steel rail.

SHORT-SUPPLY REVIEW NUMBER: 51.

SUMMARY: The Secretary of Commerce hereby grants a short-supply request for 10,000 metric tons of certain rail for September-December of 1991 under Paragraph 8 of the U.S.-Japan steel arrangement.

EFFECTIVE DATE: June 19, 1991.

FOR FURTHER INFORMATION CONTACT: Mark B. Brechtl or Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, room 7866, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230, (202) 37-1386 or 377-0159.

SUPPLEMENTARY INFORMATION: On May 20, 1991, the Secretary of Commerce ("Secretary") received an adequate petition from Burlington Northern Railroad ("BN") requesting a short supply allowance for 10,000 metric tons of certain damage resistant steel rail for September-December 1991 under Paragraph 8 of the Arrangement Between the Government of Japan and the Government of the United States of America Concerning Trade in Certain Steel Products. BN is requesting short supply for this material because the potential foreign supplier has no regular export licenses available to ship this product, and potential domestic producers are unable to meet the required specifications. The Secretary conducted this short-supply review pursuant to section 4(b)(4)(A) of the Steel Trade Liberalization Program Implementation Act, Public Law No. 101-221, 103 Stat. 1886 (1989) (the "Act"), and § 357.102 of the Department of Commerce's Short-Supply Procedures. (19 CFR 357.102) ("Commerce's Short-Supply Procedures").

The requested rail meets the following specifications:

Section of Rail: AREA136BN.

Type of Rail: High Strength Damage Resistant Rail.

Standard Length: 80 feet and 39 feet.

Manufacturing: The steel shall be cast by a continuous casting process and the bloom shall be free from injurious segregation and pipe.

Chemical Composition: Carbon: 0.72-0.82 Percent; Manganese: 0.80-1.05 Percent; Phosphorus: 0.030 Percent; Sulphur: 0.020 Percent; Silicon: 0.10-0.35 Percent.

Mechanical Properties: 0.2 Percent Proof Stress: Min 80 KGF/MM2. Tensile Strength: Min 120 KGF/MM2. Elongation: Min 10 Percent.

Surface Hardness: (Brinell Hardness)—350-388 at rail head corner/shoulder and head side portions.

(Brinell Hardness)—300-340 at rail head center portion.

Workmanship: Rails shall be straightened cold in a press or roller machine to remove twist, waves and kinks until they meet the surface and line requirements specified below. Cold straightening shall be effected by means of gradual pressure without impact. Rail straightened by roller machine shall be straightened only once in each straightening plane.

Surface Upsweep: Maximum 0.10 inch per foot with maximum of 0.08 inch or rail in excess of 80 feet. Maximum 0.10 inch in 5 feet from the rail ends provided it shall not occur at a point closer than 30 inches from the rail ends.

Surface Downsweep: Rail with surface downsweep and droop shall be accepted.

Uniform Sidesweep: Maximum 0.10 inch per foot with a maximum of 0.80 inch for rail in excess of 80 feet. Maximum 0.25 inch in 5 feet at the rail ends provided it shall not occur at a point closer than 30 inches from the rail ends.

Vertical Deviation: Sharp deviations from uniform vertical line of the rail in either direction will not be acceptable

deviations in the vertical line of the rail and shall not exceed:

—maximum ordinate of 0.020 inch as measured with a 3 foot straight edge.
—maximum vertical peak measurement 0.040 inch as measured with a 3 foot straight edge.

Horizontal Deviation: Sharp deviations from uniform horizontal line of the rail in either direction of the rail shall not exceed an ordinate of 0.020 inch in the horizontal plane as measured with a 3 foot straight edge.

Periodic Waviness: The entire rail shall not present a periodic waviness with an amplitude in the vertical greater than 0.020 inch and not greater than 0.020 inch in the horizontal plane as measured with a 3 foot straight edge.

Twist: Rail that exhibits twist that exceeds 0.001 inch in one foot will be rejected (i.e. 0.039 inch over 39 feet, 0.080 inch over 80 feet).

On May 20, 1991, the Secretary established an official record for this short-supply request (Case Number 51) in the Central Records Unit, room B–099, Import Administration, U.S. Department of Commerce at the above address. On June 3, 1991, the Secretary published a notice in the **Federal Register** announcing a review of this request and soliciting comments from interested parties. Comments were required to be received no later than June 10, 1991, and interested parties were invited to file replies to any comments no later than five days after that date. In order to determine whether this product could be supplied by U.S. producers for September-December 1991, the Secretary sent questionnaires to the two domestic steel rail producers, Bethlehem Steel Corporation ("Bethlehem") and CF&I Steel Corporation ("CF&I"). The Secretary received timely questionnaire responses from both companies, and BN submitted rebuttal comments to CF&I's response.

Questionnaire Responses

Bethlehem stated in its questionnaire response that it is unable to supply BN with the requested quantity of rail during the indicated time period. CF&I's questionnaire response indicated that it does not currently produce the requested product. CF&I did state, however, that it can supply 5,000 metric tons of what it considered to be a "substitute" rail, an ingot cast product meeting the specifications for premium head hardened rail. CF&I also noted that it supplied BN with 110 net tons of premium rail in 1986 that was made with ingot cast steel.

On June 13, 1991, BN submitted rebuttal comments to CF&I's questionnaire response. BN reemphasized that it only uses continuous cast steel rail and that its purchase of ingot cast steel from CF&I was only for testing purposes. BN claimed that CF&I's rail does not reduce spalling and requires more frequent maintenance. BN states that its "short-supply request is for a new product, DR rail. DR rail differs from head hardened premium rail because it was designed to overcome the problems of head hardened rail in certain high tonnage applications. To overcome these problems, a varying head hardness is required and CF&I's product lacks this attribute."

Analysis

The major issue in this short-supply review is whether the specifications for the requested product are reasonable. BN has emphasized two characteristics, continuous cast steel and variable head hardness, as significant.

Concerning the reasonableness of the variable head hardness specification, BN claims that DR rail is a new product designed specifically to overcome the types of problems that occurred with its predecessor, head hardened rail, such as spalling and cracking. Although one domestic rail producer, CF&I, offered what it considered a substitute product, head hardened rail, CF&I did not dispute any of the claims made by BN as to the advantage of the newly developed DR rail. In fact, no domestic rail producer disputes the potential advantages of the DR rail, or that the DR rail represents a product advancement from head hardened rail.

BN claims that its past purchase history of continuous cast premium head hardened rail supports the reasonableness of its continuous cast specification. It cites the House Report to the Steel Trade Liberalization Program Implementation Act to support its claim. H.R. No. 263, 101st Cong., 1st sess. at 14. However, BN states in its petition that DR rail is a new product. Therefore, the purchase history of continuous cast head hardened rail is not relevant to the specifications of DR rail.

Conclusion

Because no domestic steel rail manufacturer is capable of producing the requested product meeting the above noted specifications or has provided evidence that the petitioner's specifications are unreasonable, and because the petitioner's potential Japanese supplier does not have available quota, the Secretary finds that a condition of short-supply exists for the requested product. Therefore, the Secretary grants, pursuant to section 4(b)(4)(A) of the Act, and § 357.102 of Commerce's Short-Supply Procedures, the short-supply request for 10,000 metric tons of the requested damage resistant steel rail for September-December 1991 under the U.S.-Japan steel arrangement.

Dated: June 19, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91–15229 Filed 6–25–91; 8:45 am]

BILLING CODE 3510–DS–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in the People's Republic of China

June 21, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 28, 1991.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566–6828. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Category 359–C is being increased by application of swing and carryforward. The current limit for Category 333 is being reduced to account for the swing being applied. As a result of the increase, the limit for Category 359–C, which is currently filled, will re-open.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990). Also

see 55 FR 48268, published on November 20, 1990.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 21, 1991.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 14, 1990, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1991 and extends through December 31, 1991.

Effective on June 28, 1991, you are directed to amend further the directive dated November 14, 1990 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the People's Republic of China:

Category	Adjusted twelve-month limit [1]
Levels not subject to a group	
359-C [2]	518,753 kilograms.
333	72,375 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1990.

[2] Category 359-C: only HTS numbers 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91-15219 Filed 6-25-91; 8:45 am]

BILLING CODE 3510-DR-F

Announcement of Import Restraint Limits and Amendment of Visa Requirements for Certain Cotton, Wool and Man-Made Fiber Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in the Democratic Socialist Republic of Sri Lanka

June 21, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year and amending visa requirements.

EFFECTIVE DATE: July 1, 1991.

FOR FURTHER INFORMATION CONTACT: Kim-Bang Nguyen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343-6580. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits for the new agreement period beginning on July 1, 1991 and extending through June 30, 1992 and to amend the existing visa arrangement to include coverage of Categories 347-T/348-T/847-T. In addition, the second installment of 187,500 dozen referred to in the exchange of letters dated April 13 and 16, 1990 is being charged to the 1991-1992 limit for Categories 347/348/847.

A copy of the current bilateral agreement between the Governments of the United States and the Democratic Socialist Republic of Sri Lanka is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State (202) 647-3889.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 21, 1991.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Textile Agreement, effected by exchange of notes dated May 23 and 24, 1988, as amended, between the Governments of the United States and the Democratic Socialist Republic of Sri Lanka; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on July 1, 1991, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products and silk blend and other vegetable fiber apparel in the following categories, produced or manufactured in Sri Lanka and exported during the twelve-month period beginning on July 1, 1991 and extending through June 30, 1992, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
237	202,473 dozen.
331/631	1,881,805 dozen pairs.
333/633	38,113 dozen.
334	267,979 dozen.
335/835	196,518 dozen.
336	90,517 dozen.
338/339	893,262 dozen of which not more than 744,385 dozen shall be in Categories 338-S/339-S [1].
340	702,699 dozen of which not more than 238,203 dozen shall be in Category 340-Y [2].
341	702,699 dozen of which not more than 297,754 dozen shall be in Category 341-Y [3].
342/642/842	464,496 dozen.
345/845	120,293 dozen.
347/348/847	928,992 dozen of which not more than 557,395 dozen shall be in Categories 347-T/348-T/847-T [4].
350/650	83,371 dozen.
351/651	196,561 dozen.
352/652	952,813 dozen.
359-C/659-C [5]	810,354 kilograms.
363	8,634,866 numbers.
369-D [6]	648,283 kilograms.
369-S [7]	540,235 kilograms.
434	3,091 dozen.
435	6,697 dozen.
442	14,092 dozen.
445/446	97,879 dozen.

Category	Twelve-month restraint limit
448	6,182 dozen.
634	178,652 dozen.
635	262,024 dozen.
636/836	203,664 dozen.
638/639/838	613,373 dozen.
640	148,877 dozen.
641	702,699 dozen.
644	357,305 numbers.
645/646	142,922 dozen.
647/648	738,430 dozen.

[1] Category 338–S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.3010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.0068, 6112.11.0030 and 6114.20.0005; Category 339–S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2010, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.0070, 6112.11.0040, 6114.20.0010 and 6117.90.0022.

[2] Category 340–Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060.

[3] Category 341–Y: only HTS numbers 6204.22.3060, 6206.30.3010 and 6206.30.3030.

[4] Category 347–T: only HTS numbers 6103.19.2015, 6103.19.4020, 6103.22.0030, 6103.42.1020, 6103.42.1040, 6103.49.3010, 6112.11.0050, 6113.00.0038, 6203.19.1020, 6203.19.4020, 6203.22.3020, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.49.3020, 6210.40.2035, 6211.20.1520, 6211.20.3010 and 6211.32.0040; Category 348–T: only HTS numbers 6104.12.0030, 6104.19.2030, 6104.22.0040, 6104.29.2034, 6104.62.2010, 6104.62.2025, 6104.69.3022, 6112.11.0060, 6113.00.0042, 6117.90.0042, 6204.12.0030, 6204.19.3030, 6204.22.3040, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.69.3010, 6204.69.9010, 6210.50.2035, 6211.20.1550, 6211.20.6010, 6211.42.0030 and 6217.90.0050; Category 847–T: only HTS numbers 6103.29.2044, 6103.49.3017, 6103.49.3024, 6104.29.2041, 6104.29.2045, 6104.69.3034, 6104.69.3038, 6112.19.2080, 6112.19.2090, 6117.90.0051, 6203.29,3046, 6203.49.3040, 6203.49.3045, 6204.29.4041, 6204.29.4047, 6204.69.3052, 6204.69.9044, 6211.20.3040, 6211.20.6040, 6211.39.0040, 6211.49.0040 and 6217.90.0070.

[5] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.69.1000, 6104.69.3014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[6] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

[7] Category 369–S: only HTS number 6307.10.2005.

Imports charged to these category limits for the period July 1, 1990 through June 30, 1991 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the current bilateral agreement between the Governments of the United States and the Democratic Socialist Republic of Sri Lanka.

You are directed to charge 187,500 dozen to the limit established in this directive for Categories 347/348/847.

For visa purposes, effective on July 1, 1991, you are directed to amend further the directive of September 1, 1988 to include coverage of Categories 347–T/348–T/847–T. Merchandise in Categories 347–T/348–T/847–T, produced or manufactured in Sri Lanka and exported from Sri Lanka on and after July 1, 1991, must be accompanied by the correct merged part category or the correct part category corresponding to the actual shipment. Shipments other than Categories 347–T/348–T/847–T should be visaed as 347/348/847 or the correct merged category.

Merchandise in Categories 347–T/348–T and 347/348 (excluding long pants and slacks) which is exported from Sri Lanka prior to July 1, 1991 shall continue to require a 347–T/348–T or 347/348 (excluding long pants and slacks) visa or a correct category visa.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91–15218 Filed 6–25–91; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Special Operations Policy Advisory Group; Meeting

The Special Operations Policy Advisory Group (SOPAG) will meet on 18 July 1991 in the Pentagon, Arlington, Virginia to discuss sensitive, classified topics.

The mission of the SOPAG is to advise the Office of the Secretary of Defense on key policy issues related to the development and maintenance of effective Special Operations Forces.

In accordance with section 10(d) of Public Law 92–463, the "Federal Advisory Committee Act," and section 552b(c)(1) of title 5, United States Code, this meeting will be closed to the public.

Dated: June 20, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–15171 Filed 6–25–91; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Intent to Prepare an Environmental Impact Statement (EIS) for Military Joint Readiness Exercises in Alaska

AGENCY: Headquarters, Department of the Army, DOD.

SUMMARY: The Army will prepare a programmatic EIS, in cooperation with the U.S. Air Force and U.S. Navy, for Joint Readiness Exercises in Alaska which may occur during all seasons of the year. This action expands the scope of a Notice of Intent, that was published in the **Federal Register** on January 30, 1990. A separate environmental analysis was prepared to support a winter exercise in 1991. (55FR–3083).

Headquarters, Alaskan Command proposes to conduct joint exercises throughout the year that would involve a maximum of about 40 thousand military personnel in Alaska and additional shipboard personnel in the adjacent North Pacific waters. Exercising units would include active and reserve components of the Army, Navy, Air Force, Marines and foreign military units. The exercises are required to maintain combat readiness of units with assigned and contingency missions in Alaska.

The exercises would use various sites in Alaska for transportation and supply and for a variety of training missions including simulations of remote site defense, search and rescue, amphibious landings, harbor defense, and air defense. Ground exercises in remote sites generally would be by small units on foot, in boats, and on snow machines. Non-military land may be used in some locations provided that landowner permission could be obtained. Some exercises on military lands would use heavier vehicles and may require site preparation by earth moving equipment. A full range of alternative sites, equipment, operations planning, and mitigative measures for non-military land will be considered in the EIS. The alternative will include the no action alternative. The draft EIS is expected to be released to the public in the late summer of 1992. The impact of present and proposed activities on U.S. Army installations in Alaska will be assessed in a separate EIS, which will be available for public review. References will be made to on-going EIS actions by other agencies.

Scoping: Scoping meetings will be held to discuss significant issues related to the conduct of Joint Readiness Exercises in Alaska during any season of the year. Notification of specific meeting sites and times will be made in

local and regional newspapers. Scoping meetings will be scheduled in Fairbanks and Anchorage and may be held anywhere else there is significant interest.

Persons with questions or comments may telephone Mr. Guy McConnel at (907) 753–2614 or may call (toll-free in Alaska) 1–800–478–2712 to leave an address or telephone number where they can be reached. Callers should state their interest in military training exercises. Questions and comments may also be submitted by letter to: U.S. Army Engineer District, Alaska, P.O. Box 898, Anchorage, Alaska 99506–0898, attn: EN–PL–ER.

Lewis D. Walker,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA (I,L&E).

[FR Doc. 91–15147 Filed 6–25–91; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Request

AGENCY: Department of Education.

ACTION: Notice of proposed information collection request.

SUMMARY: The Acting Director, Office of Information Resources Management, invites comments on the proposed information collection request as required by the Paperwork Reduction Act of 1980.

DATES: An emergency review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by June 24, 1991.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer: Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Mary P. Liggett, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Mary P. Liggett (202) 708–5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State of Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Office of Information Resources Management, publishes this notice with attached proposed information collection requests prior to submission to OMB. For each proposed information collection request, grouped by office, this notice contains the following information: (1) Type of review requested, e.g., new, revision, extension, existing, or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting and/or Recordkeeping burden; and (6) Abstract. Because an emergency review is requested, the additional information to be requested in this collection is included in the section on "Additional Information" in this notice.

Dated: June 20, 1991.

Mary P. Liggett,

Acting Director for Office of Information Resources Management.

Office of Special Education and Rehabilitative Services

Type of Review: Emergency.

Title: Section 361.86—Payments from Allotments from Vocational Rehabilitation Services.

Abstract: A State must request in writing a waiver or modification, including supporting justification, if it determines that an exceptional or uncontrollable circumstance will prevent it from meeting its required expenditures from non-Federal sources (the Maintenance of Effort level). The Secretary, beginning in FY '91, will use the information to grant waivers from or modifications to the State's Maintenance of Effort level requirement.

Additional Information: An emergency clearance is requested for this collection of information. An emergency approval will allow time for States to request a waiver from or a modification to their Maintenance of Effort level requirement in FY '91.

Frequency: On occasion.

Affected Public: State or local Governments.

Reporting Burden: Responses—1; *Burden Hours*—1.

Recordkeeping Burden: Recordkeepers—0; *Burden Hours*—0.

[FR Doc. 91–15112 Filed 6–25–91; 8:45 am]

BILLING CODE 4000–1–M

National Council on Vocational Education; Meeting

AGENCY: National Council on Vocational Education, Education.

ACTION: Notice of public meeting of the Council.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Council on Vocational Education. This notice describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES AND TIME: July 15, 1991. 9 a.m. to 4 p.m.

ADDRESSES: Sheraton City Center Hotel (Georgetown Room) 1143 New Hampshire Ave., NW., Washington, DC 20037, (202) 775–0800.

FOR FURTHER INFORMATION CONTACT: Dr. Joyce Winterton, Executive Director, 330 C Street SW., MES—suite 4080, Washington, DC 20202–7580 (202) 732–1884.

SUPPLEMENTARY INFORMATION: The National Council on Vocational Education is established under section 431 of the Carl D. Perkins Vocational Education Act Public Law 98–524, 5 U.S.C.A appendix 2.

The Council is established to:

(A) Advise the President, the Congress, and the Secretary of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation for vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to Congress; and

(c) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

The meeting of the Council is open to the Public. The proposed agenda includes discussion on the following: Large School District Seminars on Implementing the Carl Perkins Act, Occupational Competencies, Annual

Report, Budget, Executive Director's Report, America 2000 Report, SCANS Commission Report. Records are kept of all Council proceedings, and are available for public inspection at the above address from the hours of 9 a.m. to 4 p.m.

Dated: June 19, 1991.

Joyce Winterton,

Executive Director.

[FR Doc. 91–15106 Filed 6–25–91; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Floodplain Statement of Findings for the Proposed Remedial Investigation of the 300–FF–5 Operable Unit Hanford Site, Richland, WA

AGENCY: Department of Energy (DOE).

ACTION: Floodplain statement of findings.

STATEMENT: This is a Statement of Findings prepared pursuant to Executive Orders 11988 and 11990, and 10 CFR part 1022, Compliance with Floodplain-Wetlands Environmental Review Requirements. The DOE has determined that some activities associated with the Remedial Investigation/Feasibility Study (RI/FS) of the 300–FF–5 Operable Unit will occur within the 100-year floodplain of the Columbia River. On the basis of the Floodplain/Wetlands Assessment for the proposed remedial investigation, prepared pursuant to 10 CFR 1022.12, the DOE has determined that there will be no adverse effect to the floodplain, that there is no practicable alternative to the proposed action and that the proposed action has been designed to minimize potential harm to or within the floodplain of the Columbia River.

The proposed action is to perform the RI/FS for the 300–FF–5 ground-water operable unit on the Hanford Site, Richland, Washington (Figure 1). The RI/FS is necessary to meet requirements of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended, to determine the nature and extent of the threat posed by a release of hazardous substances to the environment and to evaluate proposed remedies for such a release. The RI/FS activities are preliminary steps in developing plans and alternatives for clean-up of the operable unit. The work is described in detail in Remedial Investigation/Feasibility Study Work Plan for the 300–FF–5 Operable Unit, Hanford Site, Richland, Washington. The work is also necessary to comply with the Hanford Federal Facility Agreement and Consent Order, and in particular, supports milestones M–12–00, M–12–04, and M–15–00.

BILLING CODE 6450–1–M

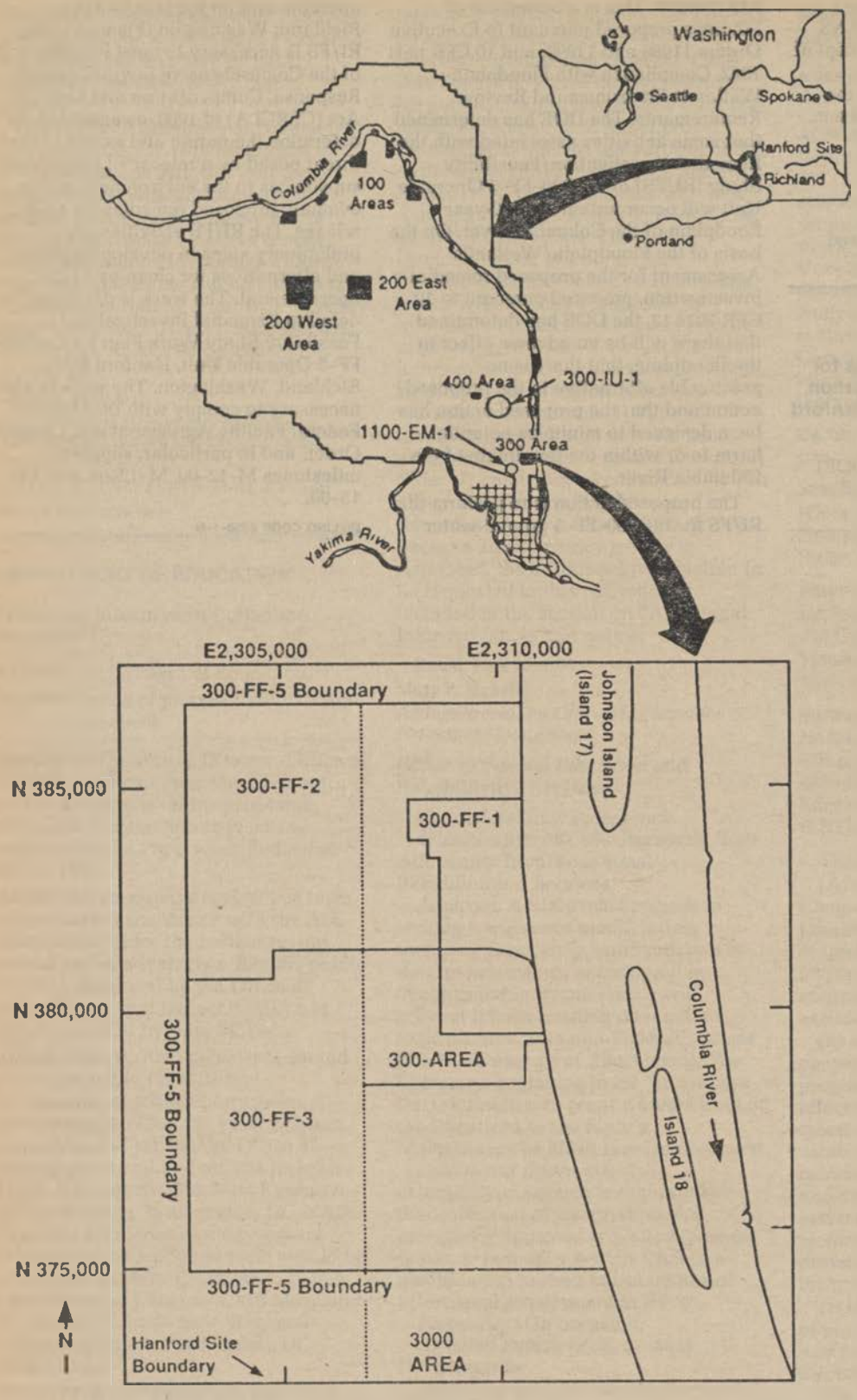

Figure 1. Location of the 300-FF-5 Operable Unit on the Hanford Site.

The specific activities that may occur within the 100-year floodplain include geophysical surveys, hydrostratigraphy studies, surface water and sediment investigations, and biota investigations. The following briefly describes these activities.

• Geophysical Surveys—These studies will be performed to determine the existence and location of a suspected paleochannel along with Columbia River, and will utilize ground-penetrating radar, electromagnetic induction, and acoustic refraction techniques. The survey area will be approximately 2 miles long, and will encompass a 500-foot-wide band along the Columbia River.

• Hydrostratigraphy Studies—These studies will include drilling ground-water characterization wells to determine the continuity of hydrostratigraphic units across the Columbia River from the Hanford Site, and under the Columbia River. Wells will be drilled on islands in the Columbia River, across the river in Franklin County, and possibly in the river bottom. The need for these wells will be carefully considered after preliminary phases of data collection and interpretation have been completed. Drilling and disposal activities will be performed in accordance with all applicable state and federal regulations and guidelines. Specific methodologies for drilling wells in the river bed and on islands are currently being developed.

• Surface-water and Sediment Investigations—These activities will consist of: (1) Collection of water and sediment samples from the active springs or seepage areas along the river; collection of water and sediment samples from the river at nearshore locations adjacent to active seeps and along the contaminated ground-water plume as identified or projected in the ground-water investigation; (2) collection of water samples from Columbia River cross sections; and (3) monitoring of the river stages in the 300–FF–5 area.

• Biotic Investigations—These investigations will include collection of aquatic and riparian zone biota to identify possible biotic contaminant transport pathways, and to determine the existing concentrations of contaminants in biota associated with the 300–FF–5 operable unit.

The goal of each task is to characterize the extent of known areas of contamination and to identify and characterize unknown areas of contamination that may exist. None of the tasks require major construction activities. The hydrostratigraphy studies may require the drilling of wells in the floodplain; however, if preceding studies provide sufficient data, drilling will not be conducted. Disturbances to the floodplain and wetlands adjacent to the Columbia River primarily will be limited to pedestrian traffic necessary to collect samples, monitor water levels, and to carry out surveys with nonintrusive instruments. Following completion of the characterization, remedial action strategies and alternatives will be prepared for the removal and remediation of the contamination from the operable unit. Alternatives to the proposed action are limited because of the need to carefully characterize contaminated areas on the Hanford Site prior to commencement of remediation activities.

• Relocation of the activities to another area cannot be considered as a viable alternative because of the need to collect samples that are representative of the contamination as it exists in the operable unit. Remediation activities and strategies will be based upon data obtained from these samples, which must be indicative of the extent of contamination.

• The no action alternative, where no RI/FS activities are performed in the field or in the floodplain, is not viable, as this alternative would not be in accordance with the requirements of CERCLA, the Hanford Federal facility Agreement and Consent Order, as well as current U.S. Environmental Protection Agency requirements to characterize the operable unit prior to remediation.

• Alternative methods of collecting some samples are being considered through the RI/FS process. Specifically, the need for drilling of ground-water monitoring wells is presently under consideration, and will be further evaluated during the initial phases of the RI/FS. If well construction is necessary, disturbances to vegetation and the shoreline will kept to a minimum by limiting access to the area, and by utilizing stabilization devices such as berms, riprap, etc. to minimize erosion. The well construction will be in accordance with State and Federal guidelines, rules, and regulations.

The proposed action has been designed to conform to applicable Federal and State regulations. Federal, State or local permits are not required under § 300.400(e) of the National Contingency Plan for on-site actions conducted pursuant to CERCLA, however, DOE will ensure that the actions conform with all substantive requirements of any permits.

The proposed actions in the Columbia River floodplain must be taken as soon as possible because of binding agreements between DOE, the U.S. Environmental Protection Agency and the Washington State Department of Ecology. Therefore, further public review is waived prior to implementation of the proposed floodplain action, as provided by 10 CFR 1022.18 (a) and (c).

AVAILABILITY OF THE FLOODPLAIN/WETLANDS ASSESSMENT: Single copies of the Floodplain/Wetlands Assessment are available from Mr. K. Michael Thompson, 300–FF–5 Operable Unit Manager, DOE-Richland Operations Office, Richland, Washington 99352 (509) 376–6421.

FURTHER INFORMATION: For further information contact Ms. Julie Erickson, U.S. Department of Energy, Richland Operations Office, Richland, Washington 99352 (509) 376–3603.

Leo P. Duffy,

Director, Office of Environmental Restoration and Waste Management.

[FR Doc. 91–14975 Filed 6–25–91; 8:45 am]

BILLING CODE 6450–01–M

Future Directions in Advanced Extraction and Process Technology

AGENCY: Bartlesville Project Office, U.S. Department of Energy.

ACTION: Notice of non-competitive financial assistance (grant) award with the National Academy of Sciences.

SUMMARY: The Department of Energy (DOE), Bartlesville Project Office (BPO) announces that pursuant to 10 CFR 600.7(b)(2)(i) Criteria (D), it intends to make a non-competitive Financial Assistance (Grant) award through the Pittsburgh Energy Technology Center to National Academy of Sciences.

SCOPE: The United States Department of Energy (DOE) recognizes the need and opportunity to assist in the development of a comprehensive study on the Advanced Extraction and Process Technology. The objective of this proposed activity is to provide financial assistance to the National Academy of Sciences by means of a research grant, which will allow the National Academy of Sciences to develop and advance new concepts and technology in the Advanced Extraction and Process Technology Program. The purpose of this research grant is to request the assistance of the National Academy of Sciences in conducting a four-phase study of the future directions in advanced extraction and process technology. This study will involve a comprehensive examination of research needs of the Advanced Extraction and Process Technology Program.

The cooperative research program extends a unique opportunity to complete research with well-recognized institute research personnel which can have a major impact on the projects for assessing and identifying future direction in advanced extraction and process technology and has a very high probability of success.

The transaction of this project will benefit the public such that it will facilitate the cooperation between DOE personnel and the Academy for solutions to future directions in advanced extraction and process technology, and it will provide for the fruitful exchange of ideas between various members of the scientific community.

This grant to the National Academy of Sciences is considered suitable for noncompetitive financial assistance based on 10 CFR 600.7(b)(2)(i) Criteria (D).

Consistent with 41 U.S.C. 253, the National Academy of Sciences is a uniquely qualified (external) organization chartered by Congress in 1863 to conduct studies in the sciences and arts when called upon by a department of the Government.

The term of the grant is twelve (12) months at a total estimated value of $150,000,000.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Pittsburgh Energy Technology Center, Acquisition and Assistance Division, P.O. Box 10940, MS 921–118, Pittsburgh, PA 15236, Attn: Cynthia Y. Mitchell, telephone: AC 412/892–4862.

Dated: June 12, 1991.

Carroll A. Lambton,

Director, Acquisition and Assistance Division, Pittsburgh Energy Technology Center.

[FR Doc. 91–15215 Filed 6–25–91; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award; Intent To Award Grant to Nu-Bore Systems

AGENCY: Department of Energy.

ACTION: Notice of unsolicited application financial assistant award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.6(a)(2) it is making a discretionary financial assistance award based on acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1) to Nu-Bore Systems under Grant Number DE–FG01–91CE15497. The proposed grant will provide funding in the estimated amount of $99,910 for the purpose of completing the development leading to commercialization of an advanced downhole casing repair system for gas and oil wells, which is a highly promising new system that is potentially less expensive, faster, and more reliable than current casing repair methods, and one also with environmental benefits.

The Department of Energy has determined in accordance with 10 CFR 600.14(f) that the application submitted by Nu-Bore Systems is meritorious based on the general evaluation required by 10 CFR 600.14(d) and that the proposed project represents a unique idea that would not be eligible for financial assistance under a recent, current or planned solicitation. The invention is using a technique for which a patent is pending for developing the needed system that would repair well casings at lower cost. This would limit the practice of the rapid shut down of stripper wells, resulting in increased oil production. The proposed project is not eligible for financial assistance under a recent, current or planned solicitation because the funding program, the Energy-Related Inventions Program (ERIP), has been structured since its beginning in 1975 to operate without competitive solicitations because the authorizing legislation directs ERIP to provide support for worthy ideas submitted by the public. The program has never issued and has no plans to issue a competitive solicitation.

The anticipated term of the proposed grant is 18 months from the date of the award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, ATTN: Rose Mason, PR–322.2, 1000 Independence Ave. SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Operations Division "B", Office of Placement and Administration.

[FR Doc. 91–15214 Filed 6–25–91; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award; Intent To Award Grant to Welding Consultants, Inc.

AGENCY: Department of Energy.

ACTION: Notice of non-competitive financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.7(b)(2)(i)(A) it is making a financial assistance award under Grant Number DE–FG01–91CE15978 to the Welding Consultants, Inc., (WCI) for purposes of preparing welding samples and performing scanning electronic microscopic (SEM) analysis of welds made with the Meta-Lax method. This grant is necessary for the completion of the project begun in 1989, entitled The Meta-Lax Method of Stress Reduction in Welds. This phase of the project which will prepare samples and analyze welds which show unexpected high performance, could identify the cause for this superior performance, and this may facilitate the implementation of this technology. The anticipated objective of this supplemental proposal is for WCI to prepare previously welded samples for SEM studies, perform the studies, and have the resulting photomicrographs fractographically analyzed by a recognized expert, who perhaps can find weld characteristics which could account for their superior performance. Once the inventor has these test results, it is entirely possible that increased sales will be obtained for this patented technology which will achieve the anticipated energy savings. Funding in an estimated amount of $14,065.54 is to be provided by the Department of Energy (DOE).

The application was deemed meritorious for the DOE Energy Related Invention Program (ERIP) based on its careful evaluation and the uniqueness of the patented design that promises energy savings estimated at 65 precent of the 220 billion cubic feet of natural gas used annually in the thermal stress relief process. A competitive solicitation would be inappropriate.

In accordance with 10 CFR 600.7(b)(2)(i)(A), it has been determined that the activity to be funded is necessary to the satisfactory completion of an activity presently being funded by DOE and for which competition for support would have a significant adverse effect on completion of the activity. The anticipated term of the proposed grant shall be twelve months from the effective date of the award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, ATTN: Rose Mason, PR–322.2, 1000 Independence Ave. SW., Washington, DC 20585.

Scott Sheffield,

Acting Director, Operations Division "B", Office of Placement and Administration.

[FR Doc. 91–15213 Filed 6–25–91; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER91-488-000, et al.]

PacifiCorp Electric Operations, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

June 19, 1991.

Take notice that the following filings have been made with the Commission:

1. PacifiCorp Electric Operations

[Docket No. ER91-488-000]

Take notice that PacifiCorp Electric Operations ("PacifiCorp"), on June 13, 1991, tendered for filing in accordance with 18 CFR part 35 of the Commission's Rules and Regulations, Revision Nos. 4 and 5 to exhibit A, Contract No. 14-06-400-3976, Weber Basin Project, for Water Exchange and Transmission Service, between PacifiCorp and Western Area Power Administration (WAPA), PacifiCorp's Rate Schedule FERC No. 286. Exhibit A specifies Points of Delivery of power and energy received by PacifiCorp at Points of Connection with WAPA's Weber Basin Project. PacifiCorp requests, pursuant to 18 CFR 35.11 of the Commission's Rules and Regulations, that a waiver of prior notice be granted and that an effective date of May 25, 1990 be assigned to exhibit A, Revision No. 4 and an effective date of February 15, 1991 be assigned to exhibit A, Reivsion No. 5, these dates being consistent with the effective dates of the respective revisions.

Copies of this filing were supplied to WAPA, the Public Utility Commission of Oregon and the Utah Public Service Commission.

Comment date: July 5, 1991 in accordance with Standard Paragraph E at the end of this notice.

2. United States Department of Energy—Western Area Power Administration

[Docket No. EF91-5091-000]

Take notice that on June 12, 1991, the Deputy Secretary of the Department of Energy tendered for filing, on behalf of the Western Area Power Administration, a rate schedule (BCP-F3) for power from the Boulder Canyon Project. Confirmation and approval of this rate schedule, on a final basis, is sought by filing. The Deputy Secretary had previously given interim approval to the rate schedule by Rate Order No. WAPA-49.

Comment date: July 8, 1991, in accordance with Standard Paragraph E at the end of this notice.

3. Southern California Edison Co.

[Docket No. ER91-491-000]

Take notice that on June 17, 1991, Southern California Edison Company (Edison) tendered for filing, as an initial rate schedule, the following agreement, executed on November 8, 1990, by the respective parties:

Edison-SDG&E, 1995 Power Sale Agreement Between Southern California Edison Co. (Edison) and San Diego Gas & Electric Co. (SDG&E)

The Agreement establishes the terms and conditions whereby Edison shall provide 230 megawatts of capacity and associated energy to SDG&E from June 1, 1995 through May 31, 1996 or May 31, 1997, to be determined by SDG&E.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: July 5, 1991, in accordance with Standard Paragraph E at the end of this notice.

4. Florida Power & Light Co.

[Docket No. ER91-385-000]

Take notice that on June 14, 1991, Florida Power & Light Company submitted an amended filing in the above-referenced docket. The amended filing provides additional information requested by the Commission Staff.

Comment date: July 5, 1991, in accordance with Standard Paragraph E at the end of this notice.

5. Washington Water Power Co.

[Docket No. ER91-405-000]

Take notice that on June 3, 1991, Washington, Water Power Company, tendered for filing an Amendment to its original filing of a Capacity and Energy Sales Agreement between The Washington Water Power Company and Public Utility District No. 1 to Pend Oreille County. This Amendment 1 provides additional information requested by Commission staff.

A copy of the filing was served upon Public Utility District No. 1 of Pend Oreille County.

Comment date: July 3, 1991, in accordance with Standard Paragraph E end of this notice.

6. Gulf States Utilities Co.

[Docket No. ER90-583-001]

Take notice that on June 7, 1991, Gulf States Utilities Company (Gulf States) tendered for filing a revised rate sheet for supplemental service under Service Schedule EP in the above referenced docket.

Comment date: July 3, 1991, in accordance with Standard Paragraph E at the end of this notice.

7. Philadelphia Electric Co. The Susquehanna Electric Co.

[Docket No. ER91-478-000]

Take notice that Philadelphia Electric Company and The Susquehanna Electric Company on June 5, 1991, ("the Companies") tendered for filing proposed changes in their FERC Electric Service Tariffs, No. 36 and No. 2 respectively, applicable for service to Conowingo Power Company. The proposed changes would increase revenues from jurisdictional sales and service by $14,845,000 or 38.5% based on the 12 month period ending December 31, 1991. Additionally, the Company is proposing amendments to its fuel adjustment clause to (1) clarify the specific costs that are properly included, (2) include spent nuclear fuel expense recovery, and (3) synchronize realization of revenue and expense.

In the June 5, 1991 filing, page 94 of Philadelphia Electric Company Exhibit No. 2 (ABC/RAC), Statement BK was inadvertently omitted. On June 14, 1991, the filing was amended to include page 94 of Statement BK.

The primary reason for the increase is to enable the Company to earn fair return or its investment. Current rates do not reflect the cost of owning and operating Philadelphia Electric Company's Limerick Generating Station. The changes to the fuel adjustment are for clarity and to better match revenue and expense.

Copies of the filing were served upon the public utility's jurisdicational customers. The Maryland Public Service Commission, the Maryland People's Counsel, and the Pennsylvania Public Utility Commission.

Comment date: July 3, 1991, in accordance with Standard Paragraph E at the end of this notice.

8. Public Service Co. of New Mexico

[Docket No. EC91-16-000]

Take notice that, pursuant to section 203 of the Federal Power Act, on June 14, 1991, Public Service Company of New Mexico (PNM) filed an application seeking an Order or other appropriate determination approving the sale by PNM to the City of Farmington, New Mexico (City) of a 115 kV electric transmission line (the UW Line) running between the Shiprock Substation and the Colorado-New Mexico border.

The UW Line is no longer needed by PNM and will be used by the City to add transfer capability to its transmission system to serve the City's load. Copies

of this filing have been served upon the City and the New Mexico Public Service Commission.

Comment date: July 10, 1991, in accordance with Standard Paragraph E at the end of this notice.

9. Pacific Gas and Electric Co.

[Docket No. ER91-489-000]

Take notice that on June 14, 1991, Pacific Gas and Electric Company (PG&E) tendered for filing changes to a rate schedule covering services rendered by PG&E under the agreements entitled, (1) "Power Plant Operation Agreement Between Pacific Gas and Electric Company and Central California Power Agency No. 1 For the Coldwater Creek Geothermal Power Plant", dated March 2, 1988 (CCPA Agreement) and (2) 115 kV Interconnection and Energy Sale Agreement between PG&E and Pacific Power and Light Company, dated July 31, 1984 (PP&L Agreement). The CCPA Agreement was initially filed under FERC Docket No. ER88-484-000 and was assigned Rate Schedule FERC No. 119. The PP&L Agreement was initially filed under FERC Docket No. ER90-236-000 and was assigned Rate Schedule FPC No. 29.

The filing seeks to revise the mothly Cost of Ownership rates under the CCPA Agreement, which are tied to PG&E's Electric rule 2 as filed with the California Public Utilities Commission (CPUC), to reflect revised rates instituted by the CPUC effective August 24, 1988 and January 21, 1991. In addition, this filing requests automatic rate adjustments to both the CCPA Agreement and the PP&L Agreement when future changes to PG&E's Electric rule 2 occur pursuant to CPUC approval.

Copies of this filing have been served upon CCPA, PP&L and the CPUC.

Comment date: July 5, 1991, in accordance with Standard Paragraph E at the end of this notice.

10. Washington Water Power Co.

[Docket No. ER91-388-000]

Take notice that on June 3, 1991, Washington, Water Power Company, tendered for filing an Amendment to its original filing of a Firm and Non-firm Energy Sales Agreement between the Washington Water Power Company and Los Angeles Department of Water & Power. This Amendment 1 provides additional information requested by Commission staff.

A copy of the filing was served upon Los Angeles Department of Water & Power.

Comment date: July 3, 1991, in accordance with Standard Paragraph E at the end of this notice.

11. Southern California Edison Co.

[Docket No. ER91-490-000]

Take notice that on June 17, 1991, Southern California Edison Company (Edison) tendered for filing, as an initial rate schedule, the following agreement, executed on September 10, 1990, by the respective parties:

Edison-SDG&E, Power Sale Agreement Between Southern California Edison Co. (Edison) and San Diego Gas & Electric Co. (SDG&E)

The Agreement establishes the terms and conditions whereby Edison shall provide 140 megawatts of capacity and associated energy to SDG&E from June 1, 1993, until the earlier of: (1) The date when SDG&E's Clean Air Demonstration Project is completed; or (2) May 31, 1995.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: July 5, 1991, in accordance with Standard Paragraph E at the end of this notice.

12. PacifiCorp Electric Operations

[Docket No. ER91-487-000]

Take notice that PacifiCorp Electric Operations ("PacifiCorp"), on June 13, 1991, tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, Revised Exhibit 2, dated April 10, 1991, of Amendment of Agreements ("Amendment") between PacifiCorp and Moon Lake Electric Association ("Moon Lake") (PacifiCorp's Rate Schedule FERC No. 302).

Copies of this filing were supplied to Moon Lake Electric Association, the Public Utility Commission of Oregon and the Utah Public Service Commission.

Comment date: July 5, 1991, in accordance with Standard Paragraph E end of this notice.

13. Commonwealth Edison Co.

[Docket No. ER91-485-000]

Take notice that on June 13, 1991, Commonwealth Edison Company ("Edison") tendered for filing proposed changes in its FERC Electric Tariff, Rates 26, 27, and 28. The proposed changes add a supplement to the Electric Service Contracts between Edison and the Cities of Batavia, Illinois ("Batavia"), Naperville, Illinois ("Naperville"), and St. Charles, Illinois ("St. Charles"). These supplements provide a kilowatthour rate for the sixth contract year.

A copy of the filing has been served upon the Cities of Batavia, Naperville, and St. Charles and the Illinois Commerce Commission.

Comment date: July 5, 1991, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-15125 Filed 6-25-91; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2354-014 Georgia]

Georgia Power Co.; Availability of Environmental Assessment

June 20, 1991.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) has reviewed the application to amend the license for the North Georgia Project to relocate and restore a historic jail for use as a museum/interpretative center for the public. The project is located on Tallulah Falls Lake, in Rabun County, Georgia. The staff of OHL's Division of Project Compliance and Administration has prepared an Environmental Assessment (EA) for the proposed action. In the EA, staff concludes that approval of the amendment of license would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, room 3308, of the Commission's

Offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 91-15129 Filed 6-25-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP91-2290-000, et al.]

Mississippi River Transmission Corporation, et al.; Natural gas certificate filings

June 19, 1991.

Take notice that the following filings have been made with the Commission

1. Mississippi River Transmission Corp.

[Docket No. CP91-2290-000]

Take notice that on June 17, 1991, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP91-2290-000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service of behalf of Boyd Rosene and Associates, Inc. (Boyd), under MRT's blanket certificate issued in Docket No. CP89-1121-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

MRT requests authorization to transport, on an interruptible basis, up to a maximum of 25,000 MMBtu of natural gas per day for Boyd from a receipt point located in Oklahoma to a delivery point located in Oklahoma. MRT anticipates transporting 2,778 MMBtu of natural gas on an average day and an annual volume of 1,013,889 MMBtu.

MRT states that the transportation of natural gas for Boyd commenced April 27, 1991, as reported in Docket No. ST91-8661-000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to MRT in Docket No. CP89-1121-000.

Comment date: August 5, 1991, in accordance with Standard Paragraph G at the end of this notice.

2. High Island Offshore System

[Docket No. CP91-2279-000]

Take notice that on June 14, 1991, High Island Offshore System (HIOS), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP91-2279-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Diamond Shamrock Offshore Partners Limited Partnership, a producer, under the blanket certificate issued by the Commission's Order No. 509 corresponding to the rates, terms and conditions filed in Docket No. RP89-82-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

HIOS states that, pursuant to an agreement dated April 1, 1990, under its Rate Schedule IT, it proposes to transport up to 27,100 Mcf per day of natural gas. HIOS indicates that the gas would be transported from Offshore Louisiana, and Offshore Texas, and would be redelivered in Offshore Louisiana, and Offshore Texas. HIOS further indicates that it would transport 27,100 Mcf on an average day and 9,891,500 Mcf annually.

HIOS advises that service under § 284,223(a) commenced April 10, 1991, as reported in Docket No. ST91-8405-000.

Comment date: August 5, 1991, in accordance with Standard Paragraph G at the end of this notice.

3. Mississippi River Transmission Corp.

[Docket No. CP91-2289-000]

Take notice that on June 17, 1991, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP91-2289-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to add a delivery point to serve Arkansas Louisiana Gas Company (ALG), under its blanket certificate issued in Docket No. CP82-489-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

MRT requests authorization to construct and operate facilities necessary to provide an additional point of delivery for ALG, an existing firm sales customer served under MRT's Rate Schedule CD-1. It is stated that such facilities will include a 2-inch tap and appurtenant facilities, including a meter and regulating station located on MRT's existing right-of-way. It is stated that the proposed facility will be connected with ALG's facilities which will be located on right-of-way already owned, or to be acquired, by ALG.

MRT states that the Rye, Arkansas, delivery point will serve residential and commercial customers in and around the community of Rye, Arkansas. It is stated that the delivery point will supply an estimated 600 Mcf of natural gas on a peak day and an estimated 22,015 Mcf of natural gas on an annual basis. It is further stated that the delivery point will not result in an increase in the total daily or annual quantities MRT is authorized to deliver to ALG.

MRT estimates the cost of the facilities to be $41,922 which will be reimbursed by ALG, as well as the application filing fee.

Comment date: August 5, 1991, in accordance with Standard Paragraph G at the end of this notice.

4. National Fuel Gas Supply Corp.

[Docket Nos. CP91-2229-000, CP91-2230-000, CP91-2231-000, CP91-2232-000, CP91-2233-000]

Take notice that the above referenced company (Applicant) filed in the respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicant and is included in the attached appendix.

The Applicant also states that it would provide the service for each shipper under an executed transportation agreement, and that the Applicant would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: August 5, 1991, in accordance with Standard Paragraph G at the end of this notice.

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[1] These prior notice requests are not consolidated.

Docket No. (date filed)	Applicant	Shipper name	Peak day [1] avg. annual	Points of receipt		Start up date rate schedule	Related [2] dockets
				receipt	delivery		
CP91-2229-000 6-10-91	National Fuel Gas Supply Corporation 10 Lafayette Square Buffalo, NY 14203.	Brooklyn Interstate Natural Gas Corp.	50,000 50,000 18,250,000	NY, PA	NY, PA	4-5-91, IT	CP89-1582-000, ST91-8483-000.
CP91-2230-000 6-10-91	National Fuel Gas Supply Corporation 10 Lafayette Square Buffalo, NY 14203.	Poco Petroleums Ltd. Corp.	100,000 100,000 36,500,000	NY, PA	NY, PA	4-1-91, IT	CP89-1582-000, ST91-8480-000.
CP91-2231-000 6-10-91	National Fuel Gas Supply Corporation 10 Lafayette Square Buffalo, NY 14203.	United Refining Company.	1,300 1,300 474,500	NY, PA	NY, PA	4-1-91, IT	CP89-1582-000, ST91-8487-000.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

Docket No. (date filed)	Applicant	Shipper name	Peak day [1] avg. annual	Point of receipt		2Start up date rate schedule	Related [2] dockets
				rceipt	delivery		
CP91-2232-000 6-10-91	National Fuel Gas Supply Corporation 10 Lafayette Square Buffalo, NY 14203.	Meridian Marketing & Transmission Corp.	1,000 1,000 365,000	NY, PA	NY, PA	4-1-91, IT	CP89-1582-000, ST91-8477-000.
CP91-2233-000 6-10-91	National Fuel Gas Supply Corporation 10 Lafayette Square Buffalo, NY 14203.	Tenngasco Corporation.	150,000 150,000 54,750,000	NY, PA	NY, PA	4-2-91, IT	CP89-1582-000, ST91-8511-000.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

5. Texas Gas Transmission Corp., Williston Basin Interstate Pipeline Co., Trunkline Gas Co., Trunkline Gas Co., Trunkline Gas Co., Northern Natural Gas Co.

[CP91-2260-000,[2] CP91-2261-000, CP91-2262-000, CP91-2263-000, CP91-2264-000, CP91-2265-000]

Take notice that on June 12, 1991, Applicants filed in the above referenced dockets, prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to transport natural gas on behalf of various shippers under their respective blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection and in the attached appendix.

Information applicable to each transaction including the identity of the shipper; the date of the transportation service agreement between the Applicant and the respective shipper; if applicable, the reference number of the transportation service agreement and the function of the shipper, i.e., shipper, marketer, interstate pipeline, etc.; the type of transportation service; the appropriate transportation rate schedule; the peak day, average day, and annual volumes; and the docket number and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicants and is included in the attached appendix.

The Applicants allege that they would provide the proposed service for each shipper under an executed transportation service agreement and would charge rates and abide by the terms and conditions of the referenced transportation rate schedules. The Applicants contend that construction of facilities is not required with each of the Applicants using existing facilities to provide the proposed transportation service.

Comment date: August 5, 1991, in accordance with Standard Paragraph G at the end of this notice.

[2] These prior notice requests are not consolidated.

Docket No. trans. agree. (Ref. No.)	Applicant	Shipper name (ship. funt.)	Peak day [1] avg. annual	Points of		Start up date rate schedule service type	Related [2] dockets
				Receipt	Delivery		
CP91-2260-000 3-22-91	Texas Gas Transmission Corporation, 3800 Frederica St., Owensboro, KY 42301.	Exxon Corporation..	100,00 50,500 18,250,000	Various.....	Various.....	5-11-91, IT, Interruptible.	CP88-686-000, ST91-8834-000.
CP91-2261-000 5-2-91	Williston Interstate P/L Co., Suite 200, 304 East Rosser Ave., Bismarck, ND 58501.	Koch Hydrocarbon Company (Marketer).	61,600 Dkt 61,600 Dkt 22,484,00 Dkt	ND & WY.....	WY.....	5-3-91, IT-1, Interruptible.	CP89-1118-000, ST91-8892-000.
CP91-2262-000 12-14-90 (T-PLT-2803)	Trunkline Gas Company, P.O. Box 1642, Houston, TX 77251-1642.	Eastex Hydrocarbons (Marketer).	100,000 Mcf 100,000 Mcf 36,500,000 Mcf	Various.....	IL.....	5-14-91, PT, Interruptible.	CP86-586-000, ST91-8758-000.
CP91-2263-000 4-24-91 (T-PLT-3086)	Trunkline Gas Company.	Bishop P/L Company (Intrastate).	20,000 Mcf 20,000 Mcf 7,300,500 Mcf	Various.....	IL.....	5-1-91, PT, Interruptible.	CP896-586-000, ST91-8754-000.
CP91-2264-000 5-3-91 (T-PLT-3009)	Trunkline Gas Company.	Transco Energy Marketing Co. (Marketer).	10,000 Mcf 10,000 Mcf 3,650,000 Mcf	Off LA.	LA.....	5-1-91, PT, Interruptible.	CP86-586-000 ST91-8759-000
CP91-2265-000 5-4-91 (5972)	Northern Natural Gas Company, P.O. Box 1188, Houston, TX 77251-1188.	Howard Energy Company, Inc. (Marketer).	100,000 75,000 36,500,000	Various.....	Various.....	5-4-91, IT-1, Interruptible.	CP86-435-000 ST91-8796-000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP Docket number corresponds to the Applicants' blanket transportation certificate. The ST docket indicates that 120-day transportation service was initiated under § 284.223(a) of the Commission's Regulations.

6. Arkla Energy Resources a division of Arkla, Inc.

[Docket No. CP91-2288-000]

Take notice that on June 17, 1991, Arkla Energy Resources (AER), a division of Arkla, Inc., 525 Milam Street, Shreveport, Louisiana 71151, filed in Docket No. CP91-2288-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to construct and operate certain sales tap facilities in Arkansas, Louisiana and Texas, under its blanket certificate issued in Docket No. CP82-384-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

AER requests authorization to construct and operate one sales tap and related facilities; to operate four existing taps for delivery of gas for resale to consumers other than the right-of-way grantors for whom the taps were originally installed; and to upgrade six existing meter stations for increased deliveries, all for the delivery of gas to Arkansas Louisiana Gas Company for resale to domestic, commercial and industrial consumers in Arkansas, Louisiana and Texas. AER states that the gas will be delivered from its general system supply, which is adequate to provide the service.

Comment date: August 5, 1991, in accordance with Standard Paragraph G at the end of this notice.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 91-15126 Filed 6-25-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-211-014]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

June 19, 1991

Take notice that CNG Transmission Corporation ("CNG"), on June 14, 1991, filed the tariff sheets listed on the attachments to this notice to be effective July 1, 1991. The tariff sheets are tendered to complete implementation of a Stipulation and Agreement ("Stipulation") the Commission approved on May 7, 1991 ("Order").

As noted in the compliance filing made June 6, 1991, CNG reserves the right to withdraw its filings based on a review of any applications for rehearing.

CNG's tendered tariff sheets include a new FERC Gas Tariff, Original Volume No. 1A, which specifies the facilities where the Stipulation's gathering and products extraction charges will apply. CNG also tenders to First Revised Volume No. 1, tariff sheets setting forth the transportation assignment notice for CTAP, a Form of Service Agreement for Rate Schedule UTAP and subsitute sheets to replace those originally filed on June 6, 1991, to reflect the changes made in this filing and to correct typographical errors.

CNG states that copies of the filing was served upon the parties to the proceeding, CNG's customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or

before June 26, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-15139 Filed 6-25-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. MT90-5-002]

Canyon Creek Compression Co.; Changes in FERC Gas Tariff

June 19, 1991.

Take notice that on June 14, 1991, Canyon Creek Compression Company (Canyon) tendered for filing First Revised Sheet No. 18, Original Sheet No. 18A, First Revised Sheet No. 39 and First Revised Sheet No. 40 to be a part of its FERC Gas Tariff, First Revised Volume No. 1A, to be effective July 14, 1991.

Canyon states that the tariff sheets are submitted in compliance with Ordering Paragraph (B)(10) of the Commission's Order issued May 23, 1991 at Docket No. MT90-5-000 (Algonquin, *et al.*, Docket Nos. MT88-1-000, *et al.*). The tariff sheets incorporate the language requirements of Sections 250.16(b)(2) (v) and (xiv) of the Commission's Regulations.

Canyon requested waiver of the Commission's Regulations to the extent necesary to permit the tariff sheets to become effective July 14, 1991.

Canyon states that a copy of the filing is being served to Canyon's jurisdictional customers, interested state regulatory agencies and all parties set out on the official service list at Docket No. MT90-5-000.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 26, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-15136 Filed 6-25-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. MT91-3-000]

East Tennessee Natural Gas Co.; Tariff Filing

June 19, 1991.

Take notice that on June 12, 1991, East Tennessee Natural Gas Company (East Tennessee) tendered for filing the following tariff sheet to First Revised Volume No. 1 of its FERC Gas Tariff to be effective July 1, 1991:

Second Revised Sheet No. 122.

Second Revised Sheet No. 122 sets forth East Tennessee's procedures for resolving complaints by adding a requirement that East Tennessee respond initially to a complaint within 48 hours, and in writing within 30 days of receipt. This change is in compliance with 18 CFR 250.16(b)(1)(iii).

East Tennessee states that copies of the filing is have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 26, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91-15140 Filed 6-25-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-145-001]

Florida Gas Transmission Co.; Compliance Filing

June 20, 1991.

Take notice that on June 14, 1991, Florida Gas Transmission Company (FGT) tendered for filing the following tariff sheets to become part of its FERC Gas Tariff, Second Revised Volume No. 1:

Substitute First Revised Sheet No. 102, Substitute Original Sheet No. 248A.

FGT states that by Commission order issued May 31, 1991 in the above-referenced docket, the Commission accepted, subject to certain conditions tariff sheets reflecting changes in the procedures for both submitting a valid request for firm service and for maintaining an existing position on FGT/s Firm Natural Gas Service Log to be effective June 1, 1991.

FGT states that it is submitting the above-referenced tariff sheets to incorporate the revisions as required by the Commission's May 31 order.

FGT states that a copy of the filing was mailed to all holders of FGT's FERC Gas Tariff, Second Revised Volume No. 1 and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 27, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-15127 Filed 6-25-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-164-001]

Granite State Gas Transmission, Inc.; Revised Changes in Rates

June 20, 1991.

Take notice that on June 17, 1991, Granite State Gas Transmission, Inc. (Granite State), 300 Friberg Parkway, Westborough, Massachusetts 01581, filed substitute revised tariff sheets in its FERC Gas Tariff, Second Revised Volume No. 1 and First Revised Volume No. 2, containing changes in rates for effectiveness on July 1, 1991. According to Granite State, its filing in this matter was initially submitted on May 31, 1991. It is stated Granite State has reduced the cost of service claimed in the May 31st filing and corrected the pagination

of the revised tariff sheets submitted with the May 31st filing.

According to Granite State, the tariff sheets listed below are substitutes for those submitted with the filing on May 31, 1991.

As designated in the May 31st filing	As corrected
Second Revised Volume No. 1:	
Seventh Revised Sheet No. 21.	Substitute Seventh Revised Sheet No. 21
First Revised Sheet No. 36.	Second Revised Sheet No. 36
First Revised Sheet No. 123.	Second Revised Sheet No. 123
First Revised Volume No. 2:	
First Revised Sheet No. 28.	Second revised Sheet No. 28

It is further stated that the above listed revised tariff sheets reflect the reduced proposed rates for effectiveness on July 1, 1991 based on the revised cost of service accompanying the filing.

Granite State states that copies of its filing were served upon its customers and the regulatory commissions of the states of Maine, New Hampshire and Massachusetts and the Public Advocate of the State of Maine.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 27, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–15181 Filed 6–25–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–143–002]

Great Lakes Gas Transmission Limited Partnership; Compliance Filing

June 19, 1991.

Take notice that on June 14, 1991, Great Lakes Gas Transmission Limited Partnership (Great Lakes), filed Revised Tariff sheets listed on apprendix A attached to the filing, with a proposed effective date of June 1, 1991, to comply with Ordering Paragraph (C) of the Commission's order issued May 31, 1991.

Great Lakes states that a copy of the filing is being served on each of Great Lakes' customers and the Public Service Commissions of Minnesota, Wisconsin and Michigan and all parties to the proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 26, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–15142 Filed 6–25–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA91–1–46–004]

Kentucky West Virginia Gas Co., Report of Refunds

June 19, 1991.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on June 14, 1991, tendered for filing with the Federal Energy Regulatory Commission (Commission) its 3rd Substitute 27th Revised Sheet No. 41 in compliance with the Commission's Order issued on May 17, 1991, accepting Kentucky West's Annual Purchased Gas Filing.

Kentucky West states that, by its filing, or any request or statement made therein, it does not waive any rights to collect amounts, nor the right to collect carrying charges applicable thereto, to which it is entitled pursuant to the mandate of the United States Court of Appeals for the Fifth Circuit issued on March 6, 1986, in *Kentucky West Virginia Gas Co.* v. *FERC*, 780 F.2d 1231 (5th Cir. 1986), or to which it becomes entitled pursuant to any other judicial and/or administrative decisions.

Kentucky West states that a copy of its filing has been served upon each of its jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 26, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–15137 Filed 6–25–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT90–4–002]

Moraine Pipeline Co.; Changes in FERC Gas Tariff

June 19, 1991.

Take notice that on June 14, 1991, Moraine Pipeline Company (Moraine) tendered for filing Fourth Revised Sheet No. 11, First Revised Sheet No. 11A and Fourth Revised Sheet No. 22 to be a part of its FERC Gas Tariff, Original Volume No. 1, to be effective July 14, 1991.

Moraine states that the tariff sheets are submitted in compliance with Ordering Paragraphs (B)(8) and (B)(14) of the Commission's Order issued May 23, 1991 at Docket No. MT90–4–000 (Algonquin, et al., Docket Nos. MT88–1–000, et al.). The tariff sheets incorporate the language requirements of § 250.16(b)(2) (iii), (iv) and (x) of the Commission's Regulations.

Moraine requested waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets to become effective July 14, 1991.

A copy of the filing is being mailed to Moraine's jurisdictional customers, interested state regulatory agencies and all parties set out on the official service list at Docket No. MT90–4–000.

Moraine states that a copy of the filing is being served to Moraine's jurisdictional customers, interested state regulatory agencies and all parties set out on the official service list at Docket No. MT90–4–000.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 and 385.211.

All such protests should be filed on or before June 26, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-15133 Filed 6-25-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. MT88-33-005]

Natural Gas Pipeline Co. of America; Changes in FERC Gas Tariff

June 19, 1991.

Take notice that on June 14, 1991, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FERC Gas Tariff, First Revised Volume No. 1A, the below listed tariff sheets to be effective July 14, 1991:

Fourth Revised Sheet No. 35,
Second Revised Sheet No. 35.1,
First Revised Sheet No. 35.2,
Third Revised Sheet No. 54,
First Revised Sheet No. 54A.

Natural states the purpose of this filing is to comply with the Commission's Order on Order Nos. 497 and 497-A Compliance Filings issued May 23, 1991 (see *Algonguin, et al.*, Docket Nos. MT88-1-000 *et al.*). The Order required Natural to file revised tariff sheets to include information in Natural's transportation request forms that is required by the Commission's Regulations.

Natural has requested waiver of the Commission's Order and Regulations to the extent necessary to permit the approval of these required changes in its tariff.

Natural states that a copy of the filing is being served to Natural's jurisdicational customers, interested state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 26, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this mater. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-15141 Filed 6-25-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-150-001]

Northwest Pipeline Corp.; Compliance

June 20, 1991.

Take notice that on June 14, 1991, Northwest Pipeline Corporation (Northwest), tendered for filing the following tariff sheets to become part of its FERC Gas Tariff, First Revised Volume No. 1-A, with a proposed effective date of June 2, 1991:

Substitute First Revised Sheet No. 415,
Substitute First Revised Sheet No. 416,
Substitute First Revised Sheet No. 417.

Northwest states that the revised tariff sheets are being filed to comply with the Commission's May 31, 1991 letter order directing Northwest to revise and refile First Revised Sheet Nos. 415, 416, and 417 included in Northwest's Volume No. 1-A Tariff.

Northwest states that a copy of the filing is being mailed to each person listed on the Commission's official service list in the above referenced docket.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 27, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-15128 Filed 6-25-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. MT90-6-002]

Stingray Pipeline Co.; Changes in FERC Gas Tariff

June 19, 1991.

Take notice that on June 14, 1991, Stingray Pipeline Company (Stingray), tendered for filing Second Revised Sheet No. 93 and Second Revised Sheet No. 131 to be a part of its FERC Gas Tariff, Original Volume No. 1, to be effective July 14, 1991.

Stingray states that the tariff sheets are submitted in compliance with Ordering Paragraph (B)(12) of the Commission's Order issued May 23, 1991 at Docket No. MT90-6-000 (*Algonquin, et al.*, Docket Nos. MT88-1-000, *et al.*). The tariff sheets incorporate the language requirements of § 250.16(b)(2)(vi) of the Commission's Regulations.

Stingray requested waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets to become effective July 14, 1991.

Stingray states that a copy of the filing is being served to Singray's jurisdictional customers, interested state regulatory agencies and all parties set out on the official service list at Docket No. MT90-6-000.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 26, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-15138 Filed 6-25-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. MT88-16-004]

Superior Offshore Pipeline; Proposed Changes in FERC Gas Tariff

June 19, 1991.

Take notice that on June 7, 1991, Superior Offshore Pipeline Company ("SOPCO") tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1:

1. Fifth Revised Sheet No. 40;
2. Fifth Revised Sheet No. 41;
3. Fourth Revised Sheet No. 42;
4. Fourth Revised Sheet No. 43; and
5. Original Sheet No. 43a;

The above-referenced tariff sheets are filed in compliance with the findings and conditions set forth in the Commission's May 23, 1991 "Order" issued in the above-captioned proceeding,[1] part 161 of the Commission's Regulations concerning Standards of Conduct for Interstate Pipelines With Market Affiliates and Order Nos. 497 and 497–A.

SOPCO requested waiver of the 30-day notice requirement and proposed that the above-referenced tariff sheets be made effective July 1, 1991.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 26, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–15134 Filed 6–25–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–175–000]

Tennessee Gas Pipeline Co.; Proposed Changes in FERC Gas Tariff

June 20, 1991.

Take notice that on June 17, 1991, Tennessee Gas Pipeline Company (Tennessee) submits for filing the following tariff sheets to Third Revised Volume No. 1 of its FERC Gas Tariff, effective July 18, 1991:

First Revised Sheet No. 27
First Revised Sheet Nos. 28 through 31 (reserved for future use)
First Revised Sheet No. 143
First Revised Sheet No. 144
First Revised Sheet No. 145
First Revised Sheet No. 146
First Revised Sheet No. 147
First Revised Sheet No. 148
First Revised Sheet No. 149
First Revised Sheet No. 150
First Revised Sheet No. 151
First Revised Sheet No. 152
First Revised Sheet No. 153 through 219 (reserved for future use)

Tennessee states that the purpose of the instant filing is to enable Tennessee to implement the provisions of capacity brokering programs authorized on the High Island Offshore System (HIOS) and U–T Offshore System (UTOS).

Tennessee states that a copy of the filing has been served on all of its jurisdictional customers and all interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 27, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–15130 Filed 6–25–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT90–3–002]

Trailblazer Pipeline Co.; Changes in FERC Gas Tariff

June 19, 1991.

Take notice that on June 14, 1991, Trailblazer Pipeline Company (Trailblazer) tendered for filing First Revised Sheet No. 18A and First Revised Sheet No. 37A to be a part of its FERC Gas Tariff, First Revised Volume No. 1A, to be effective July 14, 1991.

Trailblazer states that the tariff sheets are submitted in compliance with Ordering Paragraph (B)(11) of the Commission's Order issued May 23, 1991 at Docket No. MT90–3–000 (Algonquin, et al., Docket Nos. MT88–1–000, et al.). The tariff sheets incorporate the language requirements of § 250.16(b)(2)(v) of the Commission's Regulations.

Trailblazer requested waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets to become effectively July 14, 1991.

Trailblazer states that a copy of the filing is being served to Trailblazer's jurisdictional customers, interested State regulatory agencies and all parties set out on the official service list at Docket No. MT90–3–000.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 26, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–15135 Filed 6–25–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM91–3–49–003]

Williston Basin Interstate Pipeline Co.; Annual Take-or-Pay Reconciliation Filing

June 20, 1991

Take notice that on June 7, 1991, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, tendered for filing its corrected Annual Take-or-Pay Reconciliation Filing pursuant to Sections 32 and 33 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1. More specifically, Williston Basin filed the following Primary tariff sheets:

First Revised Volume No. 1

Substitute First Revised Thirty-fourth Revised Sheet No. 10
Substitute Third Revised Sheet No. 122
Substitute First Revised Sheet No. 123I

Original Volume No. 1–A

Substitute First Revised Twenty-seventh Revised Sheet No. 11
Substitute First Revised Thirty-third Revised Sheet No. 12

Original Volume No. 1–B

Substitute First Revised Twenty-second Revised Sheet No. 10
Substitute First Revised Twenty-second Revised Sheet No. 11

Original Volume No. 2

Substitute First Revised Thirty-fifth Revised Sheet No. 10
Substitute First Revised Twenty-eighth Revised Sheet No. 11B

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[1] Superior Offshore Pipeline Company, 55 FERC 61,289 (1991).

Williston Basin has requested that the Commission substitute the corrected sheets for the sheets filed on May 31, 1991, and accept this filing to become effective July 1, 1991.

Williston Basin has determined that certain mathematical errors were made in the calculations underlying the May 31, 1991 filing. Correction of these errors results in a decrease in the throughput surcharge as compared to the May 31, 1991 filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before June 27, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-15132 Filed 6-25-91; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Suspension of a Laboratory Which No Longer Meets Minimum Standards to Engage in Urine Drug Testing for Federal Agencies

AGENCY: National Institute on Drug Abuse, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services routinely publishes in the **Federal Register** a list of laboratories currently certified to meet standards of subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11986) dated April 11, 1988. This notice informs the public that, effective June 21, 1991, the following laboratory's certification is suspended: Environmental Health Research & Testing, Inc., 1075 South 13th Street, Birmingham, AL 35205-9998, 205-934-0985.

FOR FURTHER INFORMATION CONTACT: Drug Testing Section, Division of Applied Research, National Institute on Drug Abuse, room 9-A-53, Telephone: 301-443-6014, 5600 Fishers Lane, Rockville, Maryland 20857.

Charles R. Schuster,

Director, National Institute on Drug Abuse.

[FR Doc. 91-15332 Filed 6-24-91; 8:45 am]

BILLING CODE 4160-20-M

Health Care Financing Administration

[OCC-021-N]

Medicare Program; HMO Qualification Determinations and Compliance Actions

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice sets forth the names, addresses, dates of qualification, and service areas, or expanded services areas or modified service areas of entities determined to be Federally qualified health maintenance organizations (HMOs) during the period December 1989 through October 1990. Additionally, this notice sets forth compliance actions taken by the Office of Compliance, Office of Prepaid Health Care Operations and Oversight for the period January 1990 through September 1990.

FOR FURTHER INFORMATION CONTACT: For information on qualification determinations: Maxine Palmore, Office of Qualification, Office of Prepaid Health Care Operations and Oversight, Health Care Financing Administration, room 4336 Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201 (202) 619-2174

For information on compliance actions: Tony Mazzarella, Office of Compliance, Office of Prepaid Health Care Operations and Oversight, Health Care Financing Administration, room 4336 Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201 (202) 619-3555.

SUPPLEMENTARY INFORMATION:

A. Office of Qualification Determinations

Regulations at 42 CFR 417.144(e) and 42 CFR 417.163 (c) and (d), promulgated under title XIII of the Public Health Service Act (the Act) (42 U.S.C. 300e), require publication of certain determinations relating to the Federal qualification of health maintenance organizations (HMOs). There are three categories of qualified HMOs: Operational, transitionally qualified, and pre-operational (see 42 CFR 417.141 for definitons of these terms).

The Office of Prepaid Health Care Operations and Oversight, HCFA, has determined that the following entities are operational qualified HMO's under section 1310(d) of the Act (42 U.S.C 300e-9(d)):

1. *Harris Methodist Health Plan (HMHP)* (Direct Contract Model, see section 1310(b)(2)(B) of the Act), 1325 Pennsylvania Avenue, Fort Worth, Texas 76104. HMHP's Federally qualified service area for Fort Worth includes Bosque, Comanche, Denton, Erath, Hamilton, Hill, Hood, Johnson, Limestone, Somervell, Tarrant, and Wise counties, and the following zip codes in Ellis, Montague, Parker, and Western Dallas counties:

Ellis

76064		
76065		

Montague

76230	76251	
76239	76270	

Parker

76008	76074	76086
76060	70676	76090
76066	76082	

Western Dallas

75006	75137	75220
75019	75141	75224
75038	75146	75225
75039	75172	75229
75050 thru 75052	75201 thru 75203	75230
75060 thru 75063	75208	75232 thru 75237
75080	75209	75240
75104	75211	75241
75115	75212	75244
75116	75216	75247 thru 75249
75134	75219	75261

Date of qualification: April 26, 1990.

2. *Community Health Network of Louisiana, Inc. (CHN)* (Direct Contract Model, see section 1310(b)(2)(B) of the Act), 2431 South Acadian Throughway, Baton Rouge, Louisiana 70808. The Federally qualified service area of CHN in Baton Rouge includes the zip codes in the following counties:

Ascension

70346	70725	70769
70376	70728	70774
70707	70734	70778
70718	70737	

Assumption

70339	70390	70787
70341	70391	
70372	70393	

East Baton Rouge

70704	70739	70791
70714	70770	70801 thru 70899

East Feliciana

70722	70748	70777
70730	70761	70789

Iberville

70716	70757	70776
70721	70764	70780
70740	70765	70788
70748	70772	

Livingston

70449	70727	70785
70462	70733	70786
70711	70744	
70726	70754	

Point Coupee

70715	70749	70762
70717	70751 thru 70753	70773
70732	70755 thru 70757	70781
70736	70759	70783
70747	70760	

St. Helena

70441	70453

Tangipahoa

70422 thru 70444

West Baton Rouge

70710	70720	70764
70719	70729	70767

West Feliciana

70712	70742	70782
70713	70775	70784

Date of qualification for regional component: June 14, 1990.

3. *Healthsource South Carolina, Inc. (HSC)* (Direct Contract Model, see section 1310(b)(2)(B) of the Act), 215 East Bay Street, Charleston, South Carolina 29403. HSC's Federally qualified service area for South Carolina includes Berkeley, Charleston and Dorchester counties.

Date of qualification: June 20, 1990.

4. *Hospital Health Plan, Inc. (HHP)* (Direct Contract Model, see section 1310(b)(2)(B) of the Act), 400 South Wells Avenue, Reno Nevada 89502. HHP's Federally qualified service area for Reno includes the zip codes in the following counties:

Carson

89701 thru 89703
89710 thru 89714

Churchill

89406

Douglas

89410	89413	89448
89411	89423	89449

Elko

89801	89828	89883
89821 thru 89825	89830 thru 89835	

Eureka

89316

Humboldt

89404	89425	89445
89414	89426	
89421	89438	

Lander

89310
89820

Lyon

89403	89429	89447
89408	89430	
89428	89444	

Mineral

89415	89420	89427
	89422	

Pershing

89010
89418

Storey

89428	89440	89419

Washoe

89402	89424	89442
89405	89431 thru 89434	89450
89412	89439	89501 thru 89599

Date of qualification: June 27, 1990.

5. *M.D. IPA* (Individual Practice Association Model, see sections 1302(5) and 1310(b)(2)(A) of the Act), 451 Hungerford Drive, Rockville, Maryland 20850. M.D. IPA's previously Federally qualified service area has been expanded into the following Maryland and Virginia counties and cities:

Maryland	*Virginia*
Calvert	Accomack
Caroline	Loudoun
Cecil	Northhampton
Charles	Prince William
Dorchester	Stafford
Harford	City of Fredericksburg
Kent	
Queen Annes	
Somerset	
Talbot	
Washington	
Wicomico	
Worcester	
City of Balitmore	

Date of qualification for the service area expansion: July 10, 1990.

6. *Physicians Association of Clackamas County (PACC)* (Individual Practice Association Model, see sections 1302(5) and 1310(b)(2)(A) of the Act), 12901 SE. 97th Avenue, Clackamas, Oregon 97015. PACC's previously Federally qualified service area has been expanded into the following counties: Benton, Clatsop, Columbia, Hood River, Lane, Lincoln, Linn, Marion, Polk, Tillamook, and Wasco.

Date of qualification for the service area expansion: July 24, 1990.

7. *Travelers Health Network of Austin, Inc. (THNA)* (Direct Contract Model, see section 1310(b)(2)(B) of the Act), 9442 Capital of Texas Highway, Austin, Texas 78759. THNA's previously Federally qualified service area has been expanded into the following counties: Bastrop, Bell, Blanco, Burnett, Caldwell, Comal, Guadalupe, Lee, and Milam.

Date of qualification for the service area expansion: October 26, 1990.

8. *FHP, Inc. (FHP)* (Individual Practice Association Model, see sections 1302(5) and 1310(b)(2)(A) of the Act), 9900 Talbert Avenue, Fountain Valley, California 92708. FHP's previously Federally qualified service area in San Diego has been expanded into the following zip codes:

Inland North

92003	92086
92025 thru 92028	92126 thru 92129
92059 thru 92061	92131
92064 thru 92066	92145
92069	92362
92070	92390
92082 thru 92084	92395

Metro West/Metro East

92001	92071
92016	92077
92019 thru 92021	92078
92031	92101 thru 92111
92035	92113
92037	92115 thru 92120
92040 thru 92042	92122 thru 92125
92045	92133
92048	92135
92062	92140

Date of qualification for the service area expansions: October 29, 1990.

9. *Fallon Community Health Plan, Inc. (FCHP)* (Group Model, see section 1301(b)(1) of the Act), 100 Hartwell Street, Boylston, Massachusetts 01583–2250. FCHP's previous Federally service areas has been expanded into the zip codes of the following counties:

Hampden

01010	01057	01081
01081	01069	

Hampshire

01082

Norfolk

02019	02053 thru 02054	02070
02038	02056	02093

Date of qualification for the service area expansion: October 31, 1990.

10. *Group Health, Inc., (GHI)* (Group Model, see section 1310(b)(1) of the Act), 2829 University Avenue, SE, Minneapolis, Minnesota 55414. At the request of the HMO, we eliminated regional component designations for Minneapolis and St. Cloud. The service areas of Group Health, Inc. now includes the entire geographic areas previously approved for both the Minneapolis and St. Cloud regions.

Effective date for the elimination of regional component designations: October 12, 1990.

B. Compliance Actions

Title XIII of the Public Health Service Act (the Act) (42 U.S.C. 300e), section 1312(b)(1) and implementing regulations

at 42 CFR 417.163(c)(1) and 417.163(d)(1) require publication in the **Federal Register** of noncompliance determinations and revocations of qualification of HMOs. The Office of Compliance, Office of Prepaid Health Care Operations and Oversight gives notice of the following actions taken involving Federally qualified HMOs:

1. Letter of non-compliance: *Compercare Health Care Services Inc. (CHCS), Aurora, Co.* On August 16, 1990, we issued a letter of non-compliance to CHCS. We initiated non-compliance because of CHCS' continued lack of adequate arrangements to protect its members in the event of insolvency. The Office of Compliance approved the corrective action plan on September 14, 1990. CHCS has initiated this plan, which when completed, should lead to restoration of compliance

2. Notices of revocation:

Organization	Date issued	Reason
Best Care, Inc., Portland, OR.	02/19/90	Voluntary relinquishment.
Health Plus, Seattle, WA.	03/22/90	Voluntary relinquishment.
Samaritan Health Plan, Milwaukee, WI.	07/03/90	Voluntary relinquishment Kenosha and Racine counties (regional component).
Omnicare/the hmo, Vineland, NJ.	09/17/90	HMO liquidated (effective 09/27/90).

These constitute all the reportable actions for the period January 1, 1990 through September 30, 1990.

C. Availability of Additional Information

A cumulative list and additional information about federally qualified HMOs may be obtained by writing to the following address: Office of Prepaid Health Care Operations and Oversight, Health Care Financing Administration, Room 4360 Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201.

The list also may be obtained by visiting that office between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday, except for Federal holidays. Interested persons should contact John Lowe for an appointment, telephone (202) 619-0845.

Authority: (42 U.S.C. 300e) Title XIII of the Public Health Service Act.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare-Hospital Insurance; 93.774, Medicare-Supplementary Medical Insurance)

Dated: April 30, 1991.

Gail R. Wilensky,

Financing Administration.

[FR Doc. 91-15102 Filed 6-25-91; 8:45 am]

BILLING CODE 4120-01-M

Medicare Program; Meetings of the Advisory Committee on Medicare-Physician Relationships

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meetings.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces meetings of the Advisory Committee on Medicare-Physician Relationships on July 11 and July 12, 1991.

DATES: The meetings will be open to the public on July 11, 1991 from 9 a.m. until 3 p.m.; on July 12, 1991 from 8 a.m. until 11 a.m.

Portions of the committee meetings will be held in Executive Session (closed to the public) July 11 and July 12 pursuant to section 552b(c)(9)(B) of title 5, U.S. Code, for discussion and preparation of comments the Committee wishes to submit to the Secretary.

ADDRESSES: The meetings will be held in the Main Auditorium, Lobby Level, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Matthew Crow, Executive Director, Advisory Committee on Medicare-Physician Relationships, room 425-Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201, Telephone (202) 245-7874.

SUPPLEMENTARY INFORMATION: In accordance with The Federal Advisory Committee Act, the Secretary of Health and Human Services established the Advisory Committee on Medicare-Physician Relationships. The Committee advises the Secretary on the existing Medicare policies and procedures that directly relate to physicians' provision of services to Medicare's beneficiaries, and on Peer Review Organizaton (PRO) and carrier policies and procedures. The Advisory Committee looks at the methods to improve Medicare carrier services, responsiveness to physicians. This Committee does not consider payment issues.

The Committee consists of the Senior Medical Advisor of the Health Care Financing Administration (HCFA) as chair, and seven members selected by the Secretary who are practicing physicians representing the primary care, internal medicine, and surgical disciplines. Members are invited to serve for the duration of the Committee. The members are: Lanny R. Copeland, M.D., Ulton G. Hodgin, Jr., M.D., Edward A. Rankin, M.D., Barbara Ann P. Rockett, M.D., Mark C. Rogers, M.D., Richard B. Tompkins, M.D., and Susan L. Turney, M.D. The chairperson is Nancy E. Gary, M.D.

The agenda for the July 11 meeting will include discussions of Peer Review Organizations (PRO), requirements for PRO Reviewers, matching Reviewers by specialty and practice setting, paperwork burden, attestation, documentation, length of time for process and the appeals process.

The agenda for the July 12 meeting will include discussion of the following issues: PRO communications and sharing of data, consistency of carrier and PRO directives, Super PRO and HCFA oversight.

Those individuals or organizations who wish to make 10-minute oral presentations on the topics listed above must contact the Executive Director to be scheduled. For the name, address, and telephone number of the Executive Director, see the **"FOR FURTHER INFORMATION CONTACT"** section at the beginning of this notice. A written copy of the oral remarks must be presented to the Executive Director at the time of the presentation. Anyone who is not scheduled to speak may submit written comments to the Executive Director. Written submissions on topics covered at the May 16-17 and June 6-7, 1991 meetings will not be taken by the Executive Director after July 31, 1991.

The Committee is to report to the Secretary through the Administrator, HCFA, not later than December 31, 1991

Authority: Federal Advisory Committee Act (Pub. L. 92-463, (5 U.S.C. app. 2)); 45 CFR 11.

Dated: June 20, 1991.

Nancy E. Gary,

Chairperson, Advisory Committee on Medicare-Physician Relationships.

[FR Doc. 91-15174 Filed 6-25-91; 8:45 am]

BILLING CODE 4120-01-M

Health Resources and Services Administration

"Transition" Program Priority, Special Projects of National Significance; Ryan White Comprehensive AIDS Resources Emergency (C.A.R.E.) Act of 1990

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Office of the Administrator, Associate Administrator for AIDS, Health Resources and Services Administration (HRSA), announces the availability of up to $1,406,461 from Fiscal Year (FY) 1991 funds for grants to States and Territories under the Ryan White Comprehensive AIDS Resources Emergency (C.A.R.E.) Act of 1990, Public Law 101–381. The purpose of these grants is to enable States and Territories to accomplish a smooth transition from AIDS programs authorized prior to the enactment of, and now replaced by, the C.A.R.E. Act. The grants will be made under the authority of section 2618(a) of the Public Health Service Act, as added by title II of the C.A.R.E. Act, and in accordance with language in the Department's FY 1991 Appropriation Act. These funds are in addition to the funds identified and described in the Notice published in the **Federal Register** on May 31, 1991 (56 FR 24825), entitled "Special Projects of National Significance; Ryan White Comprehensive AIDS Resources Emergency (C.A.R.E.) Act of 1990."

HEALTHY PEOPLE 2000 OBJECTIVES: The Public Health Service (PHS) urges applicants to submit work plans that address a specific objectives of Healthy People 2000. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone 202–783–3238).

DATES: To receive consideration for funding, grant applications must be received by the Grants Management Officer by July 5, 1991. Applicants shall be considered as meeting the deadline if they are either (1) received on or before the deadline date or (2) postmarked on or before the deadline date, and received in time for orderly processing. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be accepted as proof of timely mailing. Applications which do not meet the deadline will be considered late applications and will be returned to the applicant.

FOR FURTHER INFORMATION CONTACT: Requests for technical or programmatic information should be directed to Gilda Martoglio, Office of the Associate Administrator for AIDS, Health Resources and Services Administration, 5600 Fishers Lane, room 14A–21, Rockville, MD 20857, (301) 443–9976. Grant applications (Form PHS 5161–1), with revised face sheet HHS Form 424 and Program Narrative approved under OMB No. 0937–0189), accompanying guidance materials, and additional information regarding business management or fiscal issues related to the awarding of grants under this notice may be requested from the Grants Management Officer, Ms. Glenna Wilcom; Bureau of Health Resources Development, Health Resources and Services Administration, 5600 Fishers Lane, Room 13A–38, Rockville, MD 20857, (301) 443–2280.

SUPPLEMENTARY INFORMATION: In the Health Resources and Services Administration provision of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1991 (Pub. L. 101–517), Congress appropriated $226,000,000 to carry out title XXVI of the Public Health Service (PHS) Act, which was added by the C.A.R.E. Act. In doing so, Congress added the following proviso:

> *Provided,* That the Secretary shall retain and distribute from the total provided for Title XXVI of the Act such amounts as may be necessary to ensure the continuation of health care services through September 30, 1991, provided by grantees whose project periods extend through that date [.]
>
> 104 Stat. 2197.

The legislative history of the quoted language makes clear that its purpose, as articulated by its authors, was to assure that States and Territories which otherwise might suffer a decrease in Federally-derived AIDS health service funds as a result of the enactment of the C.A.R.E. Act and the replacement of several specific AIDS project grant programs by the formula grants to States and Territories authorized under title II of that Act would, to the extent possible, be "held harmless" against such losses. The authors also stated that the funds to accomplish this purpose were to come from funds set aside to carry out the program of Special Projects of National Significance, section 2618(a) of the PHS Act. See 143 Cong. Rec. H10794 (daily ed. Oct. 20, 1990).

The Specific AIDS project grant programs replaced by the title II formula grant are: (1) The HIV/AIDS Services Demonstration Program, (2) the AIDS Drug Reimbursement Program; (3) the Subacute Care Demonstration Program; and (4) the Home and Community-Based Program. HRSA has determined that, through the subsumption of these four programs by Title II formula grants, AIDS services supported under the formula in 20 States and one Territory stand to receive less Federal funds in FY 1991 that they received in FY 1990.

Accordingly, for fiscal year 1991 only, and only in competition for funds up to the amount of the shortfall for each State or Territory, a funding priority will be afforded under section 2618 (a) to agencies that have received formula grants under title II of the C.A.R.E. Act (1) from those States or Territory that would otherwise experience such shortfalls and (2) which propose to use the funds for any of the four purposes described in the preceding paragraph. A total of $1,406,461 has been set aside for this purpose, representing the cumulative shortfalls of the 20 States and one Territory mentioned above, as follows:

Eligible Applicants

Alaska	$15,000
Arizona	55,289
Colorado	395,212
District of Columbia	60,468
Delaware	7,564
Idaho	15,000
Iowa	16,625
Massachusetts	7,828
Maryland	146,882
Maine	9,569
Michigan	303,649
Montana	15,000
North Dakota	15,000
Nebraska	19,483
New Hampshire	17,048
New Jersey	45,813
Vermont	15,000
Washington	216,352
West Virginia	1,156
Wyoming	15,000
Guam	13,523

The amounts listed above have been calculated as one half of the difference between the amount of the awards under the four programs identified above that were received by grantees in each of the listed States or Territory in FY 1990 and the amount of the FY 1991 title II formula grant for that State or Territory. The budget periods for these awards will be from October 1, 1991, through March 31, 1992.

Availability of funds

As noted above, these funds are in addition to the approximately $4.0 million made by the previously published **Federal Register** Notice (56 FR24865; May 31, 1991) for Special Projects of national Significance. To the

extent that the State or Territorial agencies do not apply for these funds, the remaining funds that are the subject of this Notice will be added to that $4 million and will be awarded in accordance with the previous Notice.

Review Criteria

Applications received will be evaluated in accordance with an objective review procedure. The criteria to be used for the review will include the following:

1. Conformance to the SPNS "Transition" priority program guidelines;
2. Clearly defined, attainable, and measurable project goals and objectives that specifically relate to the relevant, previously funded HRSA AIDS grant program(s);
3. A clear, feasible, and appropriate methodology that includes a specific and realistic timeframe for implementing the program; and,
4. A budget justification.

Other Grant Information

Allowable Costs: The basis for determining the allowability and allocability of costs charged to PHS grants is set forth in 45 CFR part 92. This regulation implements OMB circular A–87 which prescribes the cost principles for State and local governments.

Reporting and Other Requirements: A successful applicant under this notice will submit reports in accordance with 45 CFR part 92, subpart C.

Executive Order 12372: This program is not subject to the requirements of Executive Order 12372.

Catalog of Federal Domestic Assistance: The OMB *Catalog of Federal Domestic Assistance* number for the "Transitional" grants for Special Projects of National Significance is 93.928.

Dated: May 28, 1991.

Robert G. Harmon

Administrator.

[FR Doc. 91–15152 Filed 6–25–91; 8:45 am]

BILLING CODE 4160-15-M

Program Announcement for Cooperative Agreements for Area Health Education Center Programs (Second Cycle)

The Health Resources and Services Administration (HRSA) announces that applications are being accepted for a second cycle for fiscal year 1991 for Cooperative Agreements for the Area Health Education Centers (AHEC) Program under the authority of section 781(a)(1) of the Public Health Service Act, as amended by Public Law 100–607.

Approximately $800,000 will be available in FY 1991 for a second cycle which would include new and supplemental awards. Approximately three new awards averaging $265,000 each will be made.

Secion 781(a)(1) authorizes Federal assistance to schools of medicine and osteopathic medicine which have cooperative arrangements with one or more public or nonprofit private area health education centers for the planning, development and operation of area health education center programs. To be eligible to receive support for an Area Health Education Center cooperative agreement, the applicant must be a public or nonprofit private accredited school of medicine or osteopathic medicine or consortium of such schools, or the parent institution on behalf of such school(s). New applications submitted under this authority will be accepted from medicine or osteopathic schools for the purpose of planning, developing and operating new area health education center programs. Applicants may request up to 3 years of support with the expectation that AHECs planned and developed in years 1 and 2 would be operational no later than the 3rd year. The period of Federal support should not exceed 6 years.

The Health Professions Reauthorization Act of 1988 (title VI of Pub. L. 100–607) amended the authority for the Area Health Education Centers program by:

1. Providing for a waiver, under specified circumstances, of the provision now contained in section 781(a)(2)(C) prohibiting an AHEC from being a school of medicine or osteopathic medicine, the parent institution of such a school, or a branch campus or other subunit of a school of medicine or osteopathic medicine or its parent institution, or a consortium of such entities. The waiver of this provision applies to an AHEC having, at the time of initial application for support, an operating program supported by appropriations of a State legislature as well as local resources;
2. Reducing the minimum number of individuals enrolled in first-year positions in a rotating osteopathic internship or a medical residency training program in family medicine, general internal medicine, or general pediatrics from six individuals to four; and
3. Revising the requirement that each AHEC shall "conduct interdisciplinary training and practice involving physicians and other health personnel including, where practicable, physician assistants and nurse practitioners" to add "and nurse midwives."

To receive support, programs must meet the requirements of the regulations as set forth in 42 CFR part 57, subpart MM.

The Bureau of Health Professions, within the Health Resources and Services Administration has substantial programmatic involvement in the planning, development, and administration of the AHEC projects by:

1. Reviewing and approving plans upon which continuation of the cooperative agreement is contingent in order to permit appropriate direction and redirection of activities;
2. Reviewing and approving all contracts and agreements among recipient medical or osteopathic schools, other health professions schools and community-based centers;
3. Participating with project staff in the development of funding projections;
4. Developing, with project staff, individual project data collection systems and procedures; and
5. Participating with project staff in the design of project evaluation protocols and methodologies.

Section 781(e)(2) of the Act requires that not more than 75 percent of total operating funds of a program in any year shall be provided by the Secretary.

National Health Objectives for the Year 2000

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The Cooperative Agreements for Area Health Education Centers Program is related to the priority area of Educational and Community-Based Programs. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone (202) 783–3238).

Education and Service Linkage

As part of its long-range planning, HRSA will be targeting its efforts to strengthening linkages between U.S. Public Health Service supported education and service programs which provide comprehensive primary care services to the underserved.

Review Criteria

The review of applications will take into consideration the following criteria:

1. The degree to which the proposed project adequately provides for the program requirements set forth in 42 CFR 57.3804;

2. The capability of the applicant to carry out the proposed project; and

3. The extent of the need of the area to be served by the AHECs.

In addition, certain preferential actions may apply in the implementation of this grant program. These categories of actions are defined below:

Funding Preferences

Funding of a specific category or group of approved applications ahead of other categories or groups of applications, such as competing continuations ahead of new projects.

Funding Priorities

Favorable adjustment of aggregate review scores when applications meet specified objective criteria.

Special Consideration

Enhancement of priority scores by merit reviewers based on extent to which applicants address special areas of concern.

The following funding preference, funding priorities and special consideration were established in FY 1989 after public comment and are being extended by the Administration in FY 1991.

Funding Preference for Fiscal Year 1991

In making awards for Fiscal Year 1991, a funding preference will be given to competing continuation applications.

Funding Priorities for Fiscal Year 1991

Additionally, funding priorities will be given to the following:

1. Applications proposing centers in which substantial training experience is in a PHA Act, section 332 Health Professional Shortage Area and/or a PHS Act, section 329 Migrant Health Center, PHS Act, section 330 Community Health Center or State designated clinic/center serving an underserved population. Section 332 establishes criteria to designate geographic areas, population groups, medical facilities, and other public facilities in the States as Health Professional Shortage Areas. Section 329 authorizes support for migrant health facilities nationwide and comprises a network of health care services for migrant and seasonal farm workers. Section 30 authorizes support for community health care services to medically underserved populations.

2. Applications proposing to develop, expand or implement curricula concerning ambulatory and inpatient case management of those with HIV infection-related diseases.

3. Applications demonstrating a commitment to geriatrics through development of innovative educational ways to provide improved and more effective care for the elderly.

4. Applications which are innovative in their educational approaches to quality assurance/risk management activities: monitoring and evaluation of health care services and utilization of peer-developed guidelines and standards.

Special Consideration for Fiscal Year 1991

A special consideration will be given to applications proposing centers that will serve Health Professional Shortage Areas with a greater proportion of American Indian/Alaskan Natives, Asian/Pacific Islanders, Blacks, and/or Hispanics than exists in the general population in the United States.

The following priority was established in FY 1991 and published on November 23, 1990 (55 FR 48908) after public comment.

Final Additional Funding Priority for Fiscal Year 1991

A funding priority will be given to applications demonstrating a commitment to reducing infant mortality through the development of innovative educational ways to provide improved and more effective maternal and child health care: for example, the development and implementation of undergraduate, graduate and/or continuing education curricula/courses to enhance the delivery of maternal and child health care to low-income populations; or the provision of clinical training experiences to undergraduate students, graduate students or residents in areas where the infant mortality rate is higher than the State or national average.

Questions regarding programmatic information should be directed to: Ms. Cherry Tsutsumida, Chief, Multidisciplinary Centers and Programs Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 4C–05, Rockville, Maryland 20857, Telephone: (301) 443–6950.

Requests for application materials and questions regarding grants policy and business management aspects should be directed to: Mrs. Frances Briscoe (U76), Grants Management Specialist, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 8C–26, Rockville, Maryland 20857, Telephone: (301) 443–6857.

Completed application materials should be returned to the Grants Management Officer at the above address.

The standard application form PHS 6025–1 HRSA Competing Training Grant Application, General Instructions and supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

The application deadline date is August 9, 1991. Applications will be considered as meeting the deadline if they are either:

1. *Received on* or before the deadline date, or

2. *Postmarked on* or before the deadline and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late applications not accepted for processing will be returned to the applicant.

The Catalog of Federal Domestic Assistance number assigned to this program has been changed from 13.824 to 93.824. Applications submitted in response to this announcement are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Dated: June 13, 1991.

Robert G. Harmon,

Administrator.

[FR Doc. 91–15083 Filed 6–25–91; 8:45 am]

BILLING CODE 4160–15–M

Program Announcement and Proposed Funding Priorities for Grants for Faculty Development in Family Medicine

The Health Resources and Services Administration (HRSA) announces that applications for fiscal year (FY) 1992 Grants for Faculty Development in Family Medicine are being accepted under the authority of section 786(a), title VII of the Public Health Service (PHS) Act, as amended by the Health Professions Reauthorization Act of 1988, title VI of Public Law 100–607. Comments are invited on the proposed funding priorities. This authority will expire on September 30, 1991. This program announcement is subject to reauthorization of this legislative

authority and to the appropriation of funds.

The Administration's budget request for FY 1992 does not include funding for this program. Applicants are advised that this program announcement is a contingency action being taken to assure that should funds become available for this purpose, they can be awarded in a timely fashion consistent with the needs of the program as well as to provide for even distribution of funds throughout the fiscal year. This notice regarding applications does not reflect any change in this policy.

Section 786(a) of the PHS Act authorizes the award of grants to public or nonprofit private hospitals, schools of medicine or osteopathic medicine, or other public or private nonprofit entities to assist in meeting the cost of planning, developing and operating programs for the training of physicians who plan to teach in family medicine training programs. In addition, section 786(a) authorizes assistance in meeting the cost of supporting physicians who are trainees in such programs and who plan to teach in a family medicine training program.

To receive support, programs must meet the requirements of regulations as set forth in 42 CFR part 57, subpart Q.

The period of Federal support will not exceed 5 years.

National Health Objectives for the Year 2000

The Public Health Service (PHS) urges applicants to submit work plans that address specific objectives of Healthy People 2000. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone (202) 783–3238).

Education and Service Linkage

As part of its long-range planning, HRSA will be targeting its efforts to strengthening linkages between U.S. Public Health Service supported education and service programs which provide comprehensive primary care services to the underserved.

Review Criteria

The review of applications will take into consideration the following criteria:

(1) The potential effectiveness of the proposed project in carrying out the training purposes of section 786(a) of the Act;

(2) The degree to which the proposed project provides for the project requirements and guidelines;

(3) The administrative and management ability of the applicant to carry out the proposed project in a cost-effective manner; and

(4) The potential of the project to continue on a self-sustaining basis after the period of grant support.

In addition, the following mechanisms may be applied in determining the funding of approved applications.

(1) Funding priorities—favorable adjustment of aggregate review scores when applications meet specified objective criteria.

(2) Special considerations—enhancement of priority scores by merit reviewers based on the extent to which applicants address special areas of concern.

Proposed Funding Priorities

In determining the order of funding of approved applications, it is proposed that a funding priority be given to:

1. Applicants that currently have or propose to develop projects to provide instruction in teaching clinical pedagogical skills (may also include other critical academic skills) to medical staff of: Community Health Centers supported under PHS Act, section 330; Migrant Health Centers supported under PHS Act, section 329; Homeless Health Centers supported under PHS Act, section 340; facilities that have formal arrangements to provide primary health services to public housing communities; or hospitals and/or health care facilities of the Indian Health Service; and/or health care centers that serve a substantial number of patients from (1) a Health Professional Shortage Area (HPSA), section 332 of the PHS Act, or (2) a Medically Underserved Area (MUA) designated under provisions of PHS Act, section 330(b)(3).

Section 330 authorizes support for community health care services to medically underserved populations.

Section 329 authorizes support for migrant health facilities nationwide and comprises a network of health care services for migrant and seasonal farm workers.

Section 340 authorizes Health Care for the Homeless Program, as used here, means a community-based program of comprehensive primary health care and substance abuse services brought to the homeless population.

Public Housing Communities means the residents of low income public projects that receive Federal assistance, usually through a local public housing agency, under the provisions of the U.S. Housing Act of 1937.

Section 332 establishes criteria to designate geographic areas, population groups, medical facilities, and other public facilities in the States as Health Professional Shortage Areas.

Section 330(b)(3) establishes Medically Underserved Areas which are areas designated by the PHS, based on four criteria:

(1) Infant mortality rate;

(2) Percentage of the population below the poverty level;

(3) Percentage of the population over age 65; and

(4) Number of practicing primary care physicians per 1,000 population.

This priority is consistent with a HRSA strategy to enhance the teaching capabilities in the above areas and to provide training experiences with underserved populations.

2. Applications from existing faculty development programs which:

a. Can demonstrate an enrollment of underrepresented minorities (i.e., Black, Hispanic, and American Indian/Alaskan Native) in the academic year 1991–92 which exceeds 12 percent, or

b. Can document an increase in the number of underrepresented minorities from the academic year 1990–91 to 1991–92, or

c. Can demonstrate that the average over the current year (1991–92) plus the 2 preceding years exceeds 12 percent.

Applicants that propose new faculty development programs can meet this funding priority by providing evidence that the first cohort of trainees will include underrepresented minorities in excess of 12 percent. This funding priority is a refinement of a similar priority applied in FY 1991. It is intended to encourage enrollment of minorities typically underrepresented in medicine by increasing the number of minority faculty role models.

Special Consideration

Special consideration will be given to applications demonstrating a commitment to family medicine.

Interested persons are invited to comment on the proposed funding priorities. Normally, the comment period would be 60 days. However, due to the need to implement any changes for the FY 1992 award cycle, the comment period has been reduced to 30 days. All comments received on or before July 26, 1991 will be considered before the final funding priorities are established. No funds will be allocated or final selections made until a final notice is published indicating whether the proposed funding priorities will be applied.

Written comments should be addressed to: Director, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 4C–25, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Medicine, Bureau of Health Professions, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

Public Law 100–607, section 633(a), requires that for grants issued under sections 780, 784, 785 and 786 for FY 1990 or subsequent fiscal years, the Secretary of Health and Human Services shall, not less than twice each fiscal year, issue solicitations for applications for such grants if amounts appropriated for such grants, and remaining unobligated at the end of the first solicitation period, are sufficient with respect to issuing a second solicitation. Should a second cycle be necessary, the application deadline date will be approximately 6 months from the first deadline.

The deadline date for receipt of applications for FY 1992 is August 8, 1991. Applications shall be considered as meeting the deadline if they are either:

(1) *Received on* or before the deadline date, or

(2) *Postmarked on* or before the deadline date and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late applications not accepted for processing will be returned to the applicant.

Requests for application materials and questions regarding business management issues and grants policy should be directed to: Mrs. Judy Bowen, Grants Management Specialist, Residency and Advanced Grants Section, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 8C–26, Rockville, Maryland 20857, Telephone: (301) 443–6960.

Completed applications should be returned to the Grants Management Officer at the above address.

The standard application form PHS 6025–1, HRSA Competing Training Grant Application, General Instructions and Supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

Should additional programmatic information be required please contact: Primary Care Medical Education Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 4C–04, Rockville, Maryland 20857, Telephone: (301) 443–3614.

This program is listed at 93.895 in the Catalog of Federal Domestic Assistance. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Dated: May 8, 1991.

Robert G. Harmon,

Administrator.

[FR Doc. 91–15082 Filed 6–25–91; 8:45 am]

BILLING CODE 4160–15–M

Availability of Funds for Grants for Health Services for Residents of Public Housing

AGENCY: Health Resources and Services Administration, DHHS.

ACTION: Notice of available funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces the availability of approximately $3.4 million in fiscal year (FY) 1991 for grants to be awarded under section 340A of the Public Health Service (PHS) Act, as amended, 42 U.S.C. 256a. The purpose of the grants will be to provide primary health care services as defined in section 330(b)(1) of the PHS Act, including health screening, and health counseling and education services to residents of public housing. Emphasis will be placed on the provision of perinatal and infant health services in areas of high infant mortality need which are innovative and creative in bringing women at high risk for poor birth outcomes into the health services delivery system. Approximately 3 to 6 grants will be made, ranging from $500,000 to $1 million. All awards are for one year, with projects periods of up to three years. The PHS is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. This program announcement is related to the priority area of improving access to health services in underserved areas. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC, 20402–9325 (Telephone 202–783–3238).

ADDRESSES: The PHS Regional Grants Management Officers (RGMOs), whose names and addresses are provided in the appendix to this document, are responsible for distributing application kits and guidance (Form PHS 5161–1 with revised face sheets DHHS Form 424, as approved by the OMB under control number 0937–0189), and completed applications must be submitted to them. Application kits contain guidance information which outlines program requirements indicated in the authorizing legislation. Potential applicants should contact the appropriate RGMO. The RGMO can also provide assistance on business management issues. For further program information and technical assistance contact Joan Holloway, Director, Division of Special Populations Program Development, Bureau of Health Care Delivery and Assistance, telephone (301) 443–8134.

DUE DATE: To receive consideration, grant applications must be received by the appropriate Grants Management Officer by July 26, 1991. Applications shall be considered as meeting the deadline if they are either (1) received on or before the deadline date; or (2) postmarked on or before the deadline date and received in time for submission to the review committee. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted as proof of timely mailing. Applications received after the announced closing date will not be considered for funding and will be returned to the applicant.

ELIGIBLE APPLICANTS: To be eligible, an applicant must be a public or non-profit private entity and have the capacity to effectively administer a grant.

SUPPLEMENTARY INFORMATION: Section 340A of the PHS Act authorizes the Secretary to award grants to enable grantees, directly or through contracts, to provide for the delivery of primary health care services, including health screening, and health counseling and education services to residents of public housing. This effort is one of several initiatives designed to improve the health status of disadvantaged minorities, especially at risk pregnant women and infants, as intended in Public Law 101–527, the Disadvantaged Minority Health Improvement Act of 1990.

In an area where a certified resident management corporation is in existence with a public entity providing primary health care services or an entity

receiving funds under section 330 or 340 of the PHS Act, the organizations are encouraged to submit only one application demonstrating collaboration between the organizations.

Grantees or providers acting under an agreement with the grantee must be a participating and qualified provider under the Medicaid plan approved under title XIX of the Social Security Act, and must maximize payment for services available from private insurance, Medicare, other Federal programs, and other third party sources. Grantees entering into contracts for services shall be entitled to a waiver of this requirement, if the organization with which they contract does not impose a charge or accept payment available from any third-party payor, including payment under any insurance policy or under any Federal or State health benefits program (including Medicaid).

The Secretary may not make a grant to an applicant unless the applicant signs an agreement indicating that, whether the services are provided directly or through contract, services under the grant will be provided without regard to ability to pay for the services, and if a charge is imposed it will be, (1) made according to a schedule of charges that is made available to the public, (2) will not be imposed on any resident of public housing with an income less than the official poverty level, and (3) will be adjusted to reflect the income and resources of the resident of the public housing involved.

For applicants which are public entities, e.g. State or local health departments, the Secretary may not award a grant unless the public entity signs an agreement that, with respect to the costs to be incurred by such entity in carrying out the purpose of the grant (providing primary health care services, including health screening, and health counseling and education services to residents of public housing), the entity will make available non-Federal contributions in cash toward such costs in the amount equal to not less than $1.00 for each $1.00 of Federal funds provided in the grant. In-kind contributions, such as space or personnel, will not constitute acceptable contributions and funds provided either directly or indirectly by the Federal Government may not be included in determining the amount of the non-Federal contributions.

Project Requirements

The following services are required by section 340A and must be provided either directly or through contract:

a. Primary health care services, including health screening, and health counseling and education services for all residents of public housing along with specialty medical services for pregnant residents and their infants, on the premises of public housing projects or at other locations immediately accessible to residents of public housing;

b. Referral of residents, as appropriate, to qualified facilities and practitioners for necessary follow-up services;

c. Outreach services to inform residents of the availability of such services, especially at risk women of child-bearing age;

d. Aid to residents in establishing eligibility for entitlement programs (i.e., WIC, AFDC) and in obtaining services under Federal, State and local programs providing related health services, mental health services or social services.

In addition, applicants may also provide the following optional services:

a. Training to residents of public housing to provide health screenings and to provide educational services, and

b. Health services to individuals who are not residents of public housing if those services will be provided to such individuals under the same terms and conditions as such services are provided to residents.

Use of Funds

The following restrictions apply to the use of grant funds awarded for the purpose of providing health services for residents of public housing:

a. The applicant may not expend more than ten percent of the federal grants funds for the purpose of administering the grant;

b. Grant funds may not be used to pay for inpatient services;

c. Grant funds may not be used to make cash payments to intended recipients of primary health services, or health counseling and education services;

d. Grant funds may not be used to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment or motor vehicles.

However, upon request by the applicant demonstrating that the purposes of the project cannot otherwise be carried out, the Secretary may waive the restriction in paragraph (d).

Criteria for Evaluating Applications

An objective review of applications for grant support will consider the extent to which an applicant submits documentation of compliance with the statutory requirements:

1. Consultation with residents of the designated public housing development in preparation for submission of the application and the development of an on-going process for consultation with the residents regarding the planning and administration of the proposed program;

2. Appropriate leadership and management structures to ensure delivery of health services efficiently and effectively;

3. Procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant;

4. An ongoing program of quality assurance with respect to the services provided under the grant;

5. Procedures to ensure the confidentiality of records maintained on residents of public housing that are receiving such services;

6. With respect to providing services to any population of such residents a substantial portion of which has a limited ability to speak the English language, a plan to provide services through individuals who can communicate with the population; and has designated at least one person, fluent in both English and the appropriate language, to carry out the plan, and

7. A process whereby an annual report will be submitted to the Secretary describing the use and costs of services under the grant.

Each application will also be evaluated on the extent to which it addresses or provides the following:

1. A description of the health status and demographic characteristics of the target population and documentation of the need for primary care and perinatal services in public housing facilities, especially for pregnant residents and their infants, in terms of barriers to access (e.g. lack of availability of health care services, limited accessibility, location of providers, inability to pay for services).

2. The appropriateness of proposed services to meet the needs of the community, espcially the unmet need for perinatal and infant services; the degree of increased access to perinatal and infant health services, and the strength of the health services delivery system.

3. Current or proposed clinical staffing pattern which is expected to include an adequate number of full-time, qualified providers so that services are accessible, comprehensive, continuous and coordinated.

4. The level of community commitment to reducing infant mortality, as well as the amount of local/state government and private sector involvement.

5. The ability to effectively administer the grant, as evidenced by appropriateness of governing board (applicable to section 330 applicants), and a budget and budget justification including estimates of expenditures for revenues from the services proposed in the description of purpose; estimates of the average cost of providing services to each recipient and a plan to identify, monitor and control costs (accounting structure) related to the provision of primary care and health education to residents of public housing.

6. Project activities, such as the actual service delivery system, including health screenings, diagnostics, treatment (provided on-site or through contract), entitlement eligibility assistance, and the optional activities of training public housing residents or providing the required health services to nonresidents, as well as proposed linkages with other community-based programs (e.g. social service, education and State sponsored programs) and outreach initiatives to be supported under the grant must be clearly defined. This includes special activities designed to provide outreach to at risk pregnant women and address the prenatal, delivery and postpartum needs of residents and their infants.

7. The degree of coordination and integration with existing public and private health care providers and related social service agencies.

In evaluating applications, preference will be given to: (1) Entities receiving funds under either section 330 (Community Health Centers) that provide comprehensive perinatal services, or section 340 (Health Care for the Homeless Programs) of the PHS Act, (2) qualified applicants that are certified resident management corporations as defined under section 20 of the U.S. Housing Act of 1937, (3) applicants identified above which demonstrate the provision of a comprehensive package of outreach and case-managed prenatal, delivery, post-partum and infant care services, and (4) serve populations which experience high rates of infant mortality and a significant number of infant deaths.

Other Award Information

The program is subject to the provisions of Executive Order 12372 concerning Intergovernmental Review of Federal Programs and 45 CFR part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application kit will contain a listing of States which have chosen to set up a review system and will identify a point of contact (SPOC) in each State for the review. Applicants (other than Federally-recognized Indian tribal governments) should contact their SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the application deadline for new and competing awards. The granting agency does not guarantee to "accommodate or explain" for State process recommendations it receives after that date. At the latest, an applicant should provide the application to the State for review at the same time it is submitted to the Regional Grants Management Officer.

Grants will be administered in accordance with Department of Health and Human Services Regulations in 45 CFR part 92 for State and local governments or 45 CFR part 74 for other grantees and are subject to the provisions of the Public Health Services Grants Policy Statement.

The OMB Catalog of Federal Domestic Assistance number for this program is 93.927.

Dated: April 26, 1991.

Robert G. Harmon,

Administrator.

Appendix

Region I (CT, ME, MA, NH, RI, VT)

Mary O'Brien, Grants Management Officer, PHS Office of Grants Management, John F. Kennedy Federal Bldg. #1400, Boston, Massachusetts 02203, (617) 565–1482

Region II (NJ, NY, PR, VI)

Steven Wong, Grants Management Officer, PHS Office of Grants Management, 26 Federal Plaza #3337, New York, New York 10278, (212) 264–4496

Region III (DE, DC, MD, PA, VA, WV)

Finbarr O'Connell, Grants Management Officer, PHS Office of Grants Management, 3535 Market Street #10–140, Philadelphia, Pennsylvania 19101, (215) 596–6653

Region IV (AL, FL, GA, KY, MS, NC, SC, TN)

Wayne Cutchens, Grants Management Officer, PHS Office of Grants Management, 101 Marietta Tower, Suite 1121, Atlanta, Georgia 30323, (404) 331–2597

Region V (IL, IN, MI, MN, OH, WI)

Lawrence Poole, Grants Management Officer, PHS Office of Grants Management, 105 West Adams, 17th Floor, Chicago, Illinois 60603, (312) 353–8700

Region VI (AR, LA, NM, OK, TX)

Frank Cantu, Grants Management Officer, PHS Office of Grants Management, 1200 Main Tower Bldg. #1800, Dallas, Texas 75202, (214) 767–3885

Region VII (IA, KS, MO, NE)

Hollis Hensley, Grants Management Officer, PHS Office of Grants Management, 601 East 12th Street #501, Kansas City, Missouri 64106, (816) 426–5841

Region VIII (MT, ND, SD, WY, UT, CO)

Jerry F. Wheeler, Grants Management Officer, PHS Office of Grants Management, 1961 Stout Street, Fed. Bldg. #492, Denver, Colorado 80294, (303) 844–4461

Region IX (AS, AZ, CA, GU, HI, NV, TT)

Linda Gash, Grants Management Officer, PHS Office of Grants Management, 50 United Nations Plaza #331, San Francisco, California 94102, (415) 556–2595

Region X (AK, ID, OR, WA)

James Tipton, Grants Management Officer, PHS Office of Grants Management, 2201 6th Avenue, #710, Seattle, Washington 98121, (206) 442–7997

[FR Doc. 91–15080 Filed 6–25–91; 8:45 am]

BILLING CODE 4160–15–M

Program Announcement and Proposed Funding Priority for Grants for Preventive Medicine Residency Training Programs

The Health Resources and Services Administration (HRSA) announces that applications for fiscal year (FY) 1992 Grants for Preventive Medicine Residency Training Programs are being accepted under the authority of section 788(c), title VII of the Public Health Service (PHS) Act, as amended by the Health Professions Reauthorization Act of 1988, title VI of Public Law 100–607. Comments are invited on the proposed funding priority described below. This authority will expire on September 30, 1991. This program announcement is subject to reauthorization of this legislative authority and to the appropriation of funds.

The Administration's budget request for FY 1992 does not include funding for this program. Applicants are advised that this program announcement is a contingency action being taken to assure that should funds become available for this purpose, they can be awarded in a timely fashion consistent with the needs of the program as well as to provide for even distribution of funds throughout the fiscal year. This notice regarding applications does not reflect any change in this policy.

Section 788(c) authorizes the award of grants to accredited schools of medicine,

osteopathic medicine and public health to meet the costs of projects to:

(1) Plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine; and

(2) Provide financial assistance to residency trainees enrolled in such programs.

To receive support, applicants must meet the requirements of 42 CFR part 57, subpart EE.

The period of Federal support should not exceed 3 years.

National Health Objectives for the Year 2000

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS led national activity for setting priority areas. The Preventive Medicine Residency Training Program is related to the priority area of Clinical Preventive Services. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone (202) 783–3238).

Education and Service Linkage

As part of its long-range planning, HRSA will be targeting its efforts to strengthening linkages between U.S. Public Health Service supported education and service programs which provide comprehensive primary care services to the underserved.

Review Criteria

The review of applications will take into consideration the following criteria:

1. The potential effectiveness of the proposed project in carrying out the training purposes of section 788(c) of the PHS Act;

2. The extent of responsiveness to the project requirements;

3. The administrative and management capability of the applicant to carry out the proposed project in a cost-effective manner;

4. The degree to which the proposed training program emphasizes health promotion and disease prevention;

5. The degree to which the applicant demonstrates institutional commitment to the proposed program; and

6. The history of the program including number of residents who successfully completed the program.

In addition, the following mechanism may be applied in determining the funding of approved applications.

Funding priorities—favorable adjustment of aggregate review scores when applications meet specified objective criteria.

Established Funding Priorities

In order to emphasize the initiative of health promotion/disease prevention and to encourage improvement of the quality of residency training experiences, the following funding priorities are established. In the funding of approved applications, a funding priority will be given to projects which will:

1. Conduct residency training in areas of general preventive medicine or public health.

2. Enroll at least four residents in the academic year and at least four residents in the field year with evidence provided that the projected number can be realized from a current or projected applicant pool.

These funding priorities were established in FY 1989, after public comment and are being extended in FY 1992.

Proposed Funding Priority

In addition, for FY 1992, it is proposed that funding priority be given to:

Applicants that propose to provide educational experiences to demonstrate to residents the provision of primary care/preventive services for underserved populations. These experiences must include substantial training in a local health department, PHS Act section 329 Migrant Health Center, PHS Act section 330 Community Health Center and/or State-designated clinic/center serving an underserved population. Section 329 authorizes support for migrant health facilities nationwide and comprises a network of health care services for migrant and seasonal farm workers. Section 330 authorizes support for community health care services to medically underserved popualtions.

This priority is consistent with a HRSA strategy to train physicians to serve community needs, including underserved areas or populations.

Interested persons are invited to comment on the proposed funding priority. Normally, the comment period would be 60 days. However, due to the need to implement any changes for the FY 1992 award cycle, the comment period has been reduced to 30 days. All comments received on or before July 26, 1991 will be considered before the final funding priority is established. No funds will be allocated or final selections made until a final notice is published stating whether the funding priority will be applied.

Written comments should be addressed to: Director, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 4C–25, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Medicine, Bureau of Health Professions, at the above address, weekdays, (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

The application deadline date for FY 1992 is July 30, 1991. Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date, or

2. Postmarked on or before the deadline and received in time for submission to an independent review group. A legibly dated rceipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late applications not accepted for processing will be returned to the applicant.

Requests for application materials and questions regarding grants policy and business management aspects should be directed to: Grants Management Officer (D33), Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 8C–26, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: (301) 443–6002.

Completed applications should be submitted to the Grants Management Officer at the above address.

The standard application form PHS 6025–1, HRSA Competing Training Grant Applications, General Instruction and Supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number 0915–0060.

If additional programmatic information is needed, please contact: Primary Care Medical Education Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 4C–04, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–6820.

This program is listed at 93.117 in the *Catalog of Federal Domestic Assistance.* It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal

Program (as implemented through 45 CFR part 100).

Dated: May 16, 1991.

Robert G. Harmon,

Administrator.

[FR Doc. 91-15081 Filed 6-25-91; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-068-7123-54-6479]

Closure for Public Lands Surrounding the El Mirage Cooperative Management Area, San Bernardino Co., CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Closure notice for public land contained within 49 sections of land in the Barstow Resource Area of San Bernardino County.

SUMMARY: This closure notice, which became effective June 25, 1990, is hereby extended for a period of one year. The reasons for extending this closure for an additional year are outlined in paragraph two of this notice and are consistent with the original reasons for initiating this closure. This closure notice affects public land contained within all part of 49 sections of land surrounding the El Mirage Cooperative Management Area, San Bernardino County, California under the administrative responsibility of the Barstow Resource Area, California Desert District. The following is a description of the public lands affected by this closure order:

T.6N., R.5W., Section 6; T.7N., R.5W., Sections 6, 8, 19, 20, 30 and 31; T.8N., R.5W., Sections 30, 31 and 32; T.7N., R.6W., Sections 6, 7, 8 and those parts of Sections 18 and 20 that are north of the ridgeline in the Shadow Mountains; T.8N., R.6W., Sections 27, 28, 30, 31, 32, 34 and 35; T.6N., R.7W., Sections 6, 8, 13, 18, 19 and 20; T.7N., R.7W., Sections 2, 4, 15, 18, 19, 20, 29 and 31; T.8N., R.7W., Sections 26, 27, 28, 32, 34 and 35; T.6N., R.8W., Section 1; T.7N., R.8W., Sections 11, 12, 14, 24 and 25, San Bernardino Meridian.

The public land contained within the previously described 49 sections of land are closed to all motor vehicles under the authority of 43 CFR 8364.1 in order to protect soil, vegetation, wildlife, wildlife habitat and adjacent private land, property and landowners. This closure does not apply to the operation of vehicles, licensed pursuant to California Vehicle Code section 4000(a), upon "open routes" that are marked with a sign on the ground that reads "open route". A flyer showing the open routes is available upon request.

This closure order shall remain in effect for one year. This action is being taken as an interim measure until the aforementioned problems are resolved and/or the routes of travel on the public land within the 49 sections of land are designated through the Desert District's route designation process.

The closed area is posted with "closed area" signs and the open access routes are posted with "open route" and "street licensed vehicles only" signs.

Specifically authorized persons will be allowed access into the closed area only with written authorization.

Any person who fails to comply with this closure order may be subject to a fine of up to $1000.00 or imprisonment of up to 12 months, or both, under 43 CFR 8360.0-7.

EFFECTIVE DATE: June 26, 1991.

FOR FURTHER INFORMATION CONTACT: Mark H. Davis, El Mirage Project Manager or Steve Martin, BLM Ranger, 150 Coolwater Lane, Barstow, California 92311 or phone (619) 256-2729.

Dated: June 18, 1991.

Karla K.H. Swanson,

Area Manager.

[FR Doc. 91-15108 Filed 6-25-91; 8:45 am]

BILLING CODE 4310-40-M

[ES-030-1-4212-18; MIES-041320, MIES-041324, and MIES-041328]

Sale of Public Lands in Michigan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to the Michigan Public Lands Improvement Act of 1988 (102 Stat. 2711, Pub. L. 100-537) (The Act), Bureau of Land Management does hereby give notice of its intent to offer the following described lands for sale to the following persons, to wit:

MIES-041320

To Howard Lambrix, as Trustee acting on behalf of 35 applicants;

T. 6S., R. 10E., Sec. 8, Lot 1; Sec. 9, Lot 9; Michigan Meridian, Monroe County, Michigan, and containing 71.08 acres more or less;

MIES-041324

To Timothy H. Lentner, as Trustee acting on behalf of 38 applicants;

T. 5S., R. 8E., Sec. 32 Lot 5, Michigan Meridian, Monroe County, Michigan, and containing 62.818 acres more or less; and

MIES-041328

To Jerry Alderman, as Trustee acting on behalf of 6 applicants;

T. 7S., R. 8E., Sec. 14, Lot 1, Michigan Meridian, Monroe County, Michigan, and containing 0.43 acres more or less.

The public land will not be offered for sale until at least 30 days after the date of publication of this notice in the **Federal Register.**

DATES: On or before July 26, 1991, persons claiming the land adversely may file their objections to the District Manager, Bureau of Land Management, P.O. Box 631, Milwaukee, Wisconsin 53201-0631. Comments are also invited from any other person having information that should be considered by the United States before making this proposed sale.

FOR FURTHER INFORMATION CONTACT: Duane Marti, Realty Specialist, Bureau of Land Management, P.O. Box 631, Milwaukee, Wisconsin 53201-0631; telephone number (414) 297-4429 or (FTS) 362-4429.

SUPPLEMENTARY INFORMATION: The following public land has been found suitable for direct sale under section 3 of The Act, at fair market value, less equities presented by an applicant for such conveyance and less the value of any improvements that the applicant or the applicant's predecessors in interest have placed on the land. Such equities may include (but are not limited to):

(1) The amount paid for the land by the applicant;

(2) Longevity of applicant's claim;

(3) Taxes paid on the land; and

(4) Other equities as the Secretary of the Interior may determine relevant.

The Act was passed by Congress because it recognized that there were long standing title claims against public land in Michigan that could not be resolved by existing Federal authorities. Therefore, Congress authorized the Secretary of the Interior to resolve these title claims and to recognize the equities of the claimants in such lands.

Gary D. Bauer,

District Manager.

[FR Doc. 91-15170 Filed 6-25-91; 8:45 am]

BILLING CODE 4310-GJ-M

[UT-942-01-5700-11; UTU-65023]

Exchange of Public Lands in Carbon Co., UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: Notice is given that the following described parcel of public land has been examined, and through the development of local land-use

planning decisions based upon public input, resource considerations, regulations, and Bureau policies, has been found to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756; 43 U.S.C. 1716):

Salt Lake Meridian, Utah

T. 13 S., R. 11 E.,
Section 25, S2SW4NE4, E2NE4SW4, SE4W4, W2SE4.

Encompassing 160.00 acres, more or less.

In exchange for these lands, the United States would acquire private lands from Sunoco Energy Development Company described as follows:

Salt Lake Meridian, Utah

T. 14 S., R. 11 E.,
Section 13, S2SW4, NE4SW4,
Section 24, NE4NW4.

Encompassing 160.00 acres, more or less.

The exchange involves surface estate interests only. The purpose of this exchange is to acquire critical riparian habitat. The public interest would be well served by making the exchange. The value of the lands to be exchanged are approximately equal and the acreage will be adjusted or money will be used to equalize values upon completion of the final appraisal of the lands.

The public lands will be conveyed to the following terms and conditions:

1. All minerals, including oil and gas, shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

2. A right-of-way will be reserved for ditches and canals constructed under authority of the United States (Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945).

The patent would be subject to the following rights of record:

3. The conveyance of the lands will be subject to all valid existing rights, reservations, and privileges of record which include, but are not limited to the following:

a. Road right-of-way UTU–62044 to Carbon County;

b. Federal oil and gas lease UTU–66733.

The private lands will be acquired subject to the following terms and conditions:

1. A reservation of all minerals;

2. Subject to all valid existing rights.

Publication of this notice in the **Federal Register** segregates the public lands described above from the operation of the public land laws, and the mining laws, excepting the excepting the mineral leasing laws. The segregative effect will end upon issuance of patent or two years from the date of publication, whichever occurs first.

COMMENTS: For a period of Forty-five (45) days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532. Objections will be reviewed by the Utah State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

SUPPLEMENTARY INFORMATION: Additional information concerning this action may be obtained from Mark Mackiewicz, Area Realty Specialist, Price River Resource Area, 900 North 700 East, Price, Utah 84501 (801) 637–4584, or from Brad Groesbeck, District Realty Specialist, Moab District Office, 82 East Dogwood, P.O. Box 970, Moab, Utah 84532 (801) 259–6111.

Dated: June 17, 1991.

Kenneth V. Rhea,

Acting District Manager.

[FR Doc. 91–15107 Filed 6–25–91; 8:45 am]

BILLING CODE 4310–DQ–M

Fish and Wildlife Service

Availability of a Draft Recovery Plan for the Arkansas Fatmucket (Lampsilis powelli), for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for the Arkansas fatmucket mussel (*Lampsilis powelli*). This species occurs in the Ouachita, South Fork Ouachita, Caddo and Saline Rivers and headwater tributaries of the latter. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before August 26, 1991, to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy of contacting the Jackson Field Office, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Jackson, Mississippi 39213. Written comments and materials regarding the plan should be addressed to the Field Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jim Stewart at the above address (601/965–4900).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, criteria for recognizing the recovery levels for downlisting or delisting them, and initial estimates of times and costs to implement the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act as amended in 1988, requires that a public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The primary species considered in this draft recovery plan is the Arkansas fatmucket mussel (*Lampsilis powelli*). The area of emphasis for recovery actions is the Ouachita, South Fork Oucahita, and Saline Rivers and headwater streams of the latter. All known populations of this species are in Arkansas. The historic range within this system has been adversely impacted by impoundment, water pollution and channel modification. Habitat restoration and protection, reestablishing populations and management are major objectives of this recovery plan.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority

The authority for this action is Section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: June 14, 1991.

Robert Bowker,

Complex Field Supervisor.

[FR Doc. 91-15181 Filed 6-25-91; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-311]

Certain Air Impact Wrenches; Commission Decision Not To Review an Initial Determination of No Violation of Section 337 of the Tariff Act of 1930; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) issued by the presiding administrative law judge (ALJ) finding no violation of section 337 in the above-captioned investigation, thereby terminating the investigation.

FOR FURTHER INFORMATION CONTACT: Scott Andersen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-252-1099. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

SUPPLEMENTARY INFORMATION: The authority for the Commission's action is contained in 19 U.S.C. 1337 and 19 CFR 210.53.

On May 7, 1991, the presiding ALJ issued on ID finding that there is no violation of section 337 in the investigation. On May 16, 1991, a petition for review of the ID was filed by complainant Ingersoll-Rand Company. On May 23, 1991, respondents Astro Pneumatic Tool Co. and Kuan-I Gear Co. and the Commission investigative attorney filed oppositions to the petition for review. No government agency comments were received.

On June 18, 1991, the Commission determined not to review the ID. By virtue of the Commission's decision not to review the ID, the ID has become the final Commission determination in this investigation. 19 CFR 210.53(h).

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-252-1000.

Issued: June 18, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91-15208 Filed 6-25-91; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-518 (Preliminary)]

Aspherical Ophthalmoscopy Lenses From Japan

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Japan of aspherical opthalmoscopy lenses,[2] provided for the subheading 9018.50.00 of the Harmonized Tariff Schedule of the United States (HTS), that alleged to be sold in the United States at less than fair value (LTFV).

Background

On April 30, 1991, a petition was filed with the Commission and the Department of Commerce by Volk Optical, Inc., Mentor, Ohio, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of aspherical opthalmoscopy lenses from Japan. Accordingly, effective April 30, 1991, the Commission instituted preliminary antidumping No. 731-TA-518 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publising the notice in the **Federal Register** of May 7, 1991 (56 FR 21173). The conference was held in Washington, DC, on May 21, 1991, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on June 14, 1991. The views of the Commission are contained in USITC publication 2396 (June 1991), entitled Aspherical Ophthalmoscopy Lenses from Japan: Determination of the Commission in Investigation No. 731-TA-518 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation.

Issued: June 17, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91-15209 Filed 6-25-91; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-473 (Final)]

Certain Electric Fans From the People's Republic of China

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject investigation.

EFFECTIVE DATE: June 19, 1991.

FOR FURTHER INFORMATION CONTACT: Woodley Timberlake (202-252-1188), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

SUPPLEMENTARY INFORMATION: On May 31, 1991, the Commission instituted the subject investigation and established a schedule for its conduct (56 FR 18170). Subsequently, the Department of Commerce extended the date for its final determination in the investigation from August 12, 1991, to October 18, 1991. The Commission, therefore, is revising its schedule in the investigation to conform with Commerce's new schedule.

The Commission's new schedule for the investigation is as follows: Requests to appear at the hearing must be filed with the Secretary to the Commission not later than October 18, 1991; the prehearing conference will be held at the U.S. International Trade

[1] The record is defined in section 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f).

[2] For purposes of this investigation, aspheric ophthalmoscopy lenses are single element non-contact ophthalmoscopic lenses, whether mounted or unmounted, framed or unframed, of which one of both surfaces are aspherical in shape.

Commission Building on October 21, 1991; the prehearing staff report will be placed in the nonpublic record on October 11, 1991; the deadline for filing prehearing briefs is October 22, 1991; the hearing will be held at the U.S. International Trade Commission Building on October 29, 1991; and the deadline for filing posthearing briefs in November 5, 1991.

For further information concerning this investigation see the Commission's notice of investigation cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201, as amended by 56 FR 11918, Mar. 21, 1991), and part 207, subparts A and C (19 CFR part 207, as amended by 56 FR 11918, Mar. 21, 1991).

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules.

Issued: June 20, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91-15210 Filed 6-25-91; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-303]

Certain Polymer Geogrid Products and Processes Therefor; Decision To Dismiss Investigation for Mootness and Vacate Initial Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to dismiss the above-captioned investigation for mootness and to vacate the presiding administrative law judge's (ALJ) final initial determination.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436; telephone 202-252-1104. Hearing-impaired individuals are advised that information about this matter can be obtained by contracting the Commission's TDD terminal, 202-252-1810.

SUPPLEMENTARY INFORMATION: On August 10, 1989, Tensar Corporation Filed a complaint under section 337 alleging infringement of two U.S. patents exclusively licensed to Tensar covering polymer geogrid products and a process for making such products. The Commission instituted an investigation of the complaint and issued a notice of investigation which was published in the **Federal Register** on September 20, 1989 (54 FR 38752). On July 11, 1990, the Commission determined not to review an ID designating the investigation more complicated and extending the statutory deadline for completion of the investigation by six months.

On September 20, 1990, the presiding ALJ issued her final ID finding no violation of section 337 in the investigation. On October 4, 1990, in response to a joint request by complainant and respondents, the Commission suspended its investigation in order to allow the private parties to borrow exhibits from the Commission's record for use in a jury trial in concurrent litigation between the same parties, *Tenax Corp.* versus *The Tensar Corp.*, Civil Action No. H-89-424, in the U.S. District Court for the District of Maryland. 55 FR 41394 (October 11, 1990).

On November 23, 1990, the jury trial concluded with a verdict of patent infringement in favor of Tensar. The parties returned the exhibits to the Commission on December 19, 1990. Since several post-trial motions were pending before the district court, the Commission determined, on December 31, 1990, to continue its suspension until the final judgment of the district court. 56 FR 873-874 (Jan. 9, 1991). On April 16, 1991, the district court issued a final judgment.

On May 6, 1991, the Commission lifted its suspension of the investigation. On May 10, 1991, complainant filed a motion to terminate the investigation as moot because it had received all possible relief from the district court in concurrent litigation. (The district court had ruled that complainant's patent was valid and infringed by the same firms that are the respondents in the Commission investigation. The court awarded damages and issued an injunction against respondents.) In the alternative, complainant moved to withdraw its complaint and to dismiss the investigation without prejudice. Complainant also requested that the ID be vacated.

Copies of the Commission order, its opinion in support of the order, and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436; telephone: 202-252-1000.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337 and Commission interim rule § 210.51(a), 19 CFR 210.51(a).

Issued: June 14, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91-15211 Filed 6-25-91; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-325]

Commission Determination not to Review an Initial Determination Granting in Part a Motion for Summary Determination on the Issue of Domestic Industry; Certain Static Random Access Memories & Integrated Circuit Devices, etc.

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

In the matter of Certain Static Random Access Memories and Integrated Circuit Devices Containing Same, Processes for Making Same, Components Thereof, and Products Containing Same.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (ALJ) initial determination (ID) granting in part a motion for summary determination on the existence of a domestic industry in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Cynthia P. Johnson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-252-1098.

SUPPLEMENTARY INFORMATION: On March 29, 1991, complainant filed a motion for summary determination on the issue of the existence of a domestic industry. Respondents and the Commission investigative attorneys opposed the motion. On May 14, 1991, the presiding ALJ issued an ID (Order No. 9) granting the motion in part. The ID found that a domestic industry exists with respect to U.S. Letters Patent 4,125,854. Respondents petitioned for review of the ID. Complainant and the Commission investigative attorneys opposed respondents' petition for review. No agency comments were received.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and Commission interim rule § 210.53, 19 CFR 210.53.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are

available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–252–1000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–252–1810.

Issued: June 17, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91–15212 Filed 6–25–91; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31860]

Eastern Illinois Railroad Co.—Operation Exemption—Line of Railroad of NRG, Inc., in Edgar, Coles, Cumberland, and Douglas Counties, IL

Eastern Illinois Railroad Company (EIRC), a noncarrier, filed a notice of exemption to operate a 52.95-mile line of railroad in Edgar, Coles, Cumberland, and Douglas Counties, IL.[1] The line, owned by NRG, Inc. (NRG), extends between Metcalf and Neoga, IL, where it connects with Illinois Central Railroad.[2] EIRC will become a class III rail carrier.

Any comments must be filed with the Commission and served on Jon R. Roy, P.O. Box 1132, Charleston, IL 62920.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: June 20, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–15202 Filed 6–25–91; 8:45 am]

BILLING CODE 7035–01–M

[1] The Railway Labor Executives' Association and the United Transportation Union (collectively Rail Labor) filed letters seeking imposition of labor protective conditions, to which EIRC replied, objecting to the relief sought. The Commission has determined that it would not impose such conditions on this class of transaction unless exceptional circumstances were shown. See Ex. Parte No. 392 (Sub-No. 1), *Class Exemption—Acq. & Oper. of R. Lines Under 49 U.S.C. 10901*, 1 I.C.C.2d 810, 814 (1986), *aff'd sub nom. Illinois Commerce Commission* v. *I.C.C.*, 817 F.2d 145 (D.C. Cir. 1987). Rail Labor does not allege that exceptional circumstances are involved. Accordingly, labor protective conditions will not be imposed.

[2] The line had been abandoned by its previous owner, the Norfolk and Western Railway Company. Docket No. AB–10 (Sub-No. 42), *Norfolk and Western Railway Company—Abandonment and Discontinuance of Service—Between Linden, IN, and Coffeen, IL* (not printed), served June 9, 1987. NRG purchased the line in April 1988.

EIRC indicates that Indiana Hi-Rail Corporation (IHRC) has been operating on the line since 1988, but that IHRC informed NRG in January 1991 that, effective March 31, 1991, it intended to cease operations. It is unclear under what authority IHRC had been operating the line or whether IHRC sought approval for discontinuing its operations.

[Docket No. AB–350X]

Ferdinand & Huntingburg Railroad Co.—Abandonment Exemption—in DuBois County, IN

AGENCY: Interstate Commerce Commission.

ACTION: Exemption.

SUMMARY: The Commission exempts under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903–10904, the abandonment and discontinuance by Ferdinand & Huntingburg Railroad Company of 6.4 miles of rail line and approximately 1 mile of trackage rights in Dubois County, IN.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on July 26, 1991. Formal expressions of intent to file an offer of financial assistance [1] under 49 CFR 1152.27(c)(2) must be filed by July 8, 1991, petitions to stay must be filed by July 11, 1991, and petitions for reconsideration must be filed by July 22, 1991. Requests for a public use condition must be filed by July 8, 1991.

ADDRESSES: Send pleadings referring to Docket No. AB–350X to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: William H. Davis, 102 North Capitol Avenue, Corydon, IN 47112.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 275–7245. (TDD for hearing impaired: (202) 275–1721.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamics Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD Services (202) 275–1721.)

Decided: June 19, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

Sidney L. Strickland, Jr.

Secretary.

[FR Doc. 91–15203 Filed 6–25–91; 8:45 am]

BILLING CODE 7035–01–M

[1] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

DEPARTMENT OF JUSTICE

Joint Newspaper Operating Agreement

Notice is hereby given that the Attorney General has granted the motion of the Antitrust Division to file an amended report concerning the application by the Manteca News and Manteca Bulletin for approval of a joint newspaper operating agreement pursuant to the Newspaper Preservation Act, 15 U.S.C. 1801–1804.

Any person wishing to do so may submit a written reply to the amended report by mailing or delivering five copies to the Assistant Attorney General for Administration, Justice Management Division, Washington, DC 20530. Replies must be received no later than July 18, 1991.

Dated: June 18, 1991.

Harry H. Flickinger,

Assistant Attorney General for Administration.

[FR Doc. 91–15177 Filed 6–25–91; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree; Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with section 122(d)(2)(B) of the Comprehensive Environmental Response, Compensation and Liability Act and with Department of Justice policy, 28 CFR 50.7, notice is hereby given that on June 12, 1991, a proposed Consent Decree in *United States* v. *Beazer East, Inc.*, Civil Action No. CIV–F–91–767 (LKK–JFM) was lodged with the United States District Court for the Eastern District of California. The proposed Consent Decree concerns the clean-up of the Koppers Superfund Site ("Site"), which is located in Butte County, California. The proposed Consent Decree requires the Defendant Beazer East, Inc. ("Beazer") to fully implement the remedy selected by EPA for the Site, as

set forth in the Record of Decision (ROD), and to reimburse the United States for all costs incurred and to be incurred at the Site. The remedy requires Beazer to implement several technologies for the cleanup of soils, including soil washing, bioremediation and an extensive pump and treat system for area groundwater. The Consent Decree further provides for graduated stipulated penalties for Beazer's failure to comply with the terms of the Consent Decree. Termination of the Consent Decree is effected upon EPA's certification that Beazer has satisfactorily completed all remedial activities as set forth in the Consent Decree. However, termination of the Consent Decree shall not affect the Covenant Not to Sue, Retention of Records, Reservation of Rights, Periodic Review to Assure Protection of Human Health and the Environment, and Reimbursement of Costs provisions in the Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Beazer East, Inc.* (Koppers Superfund Site) D.O.J. 90–11–3–421.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Eastern District of California, United States Courthouse, Sacramento, California, and at the Region IX, Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California. Copies of the Consent Decree may be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Washington, DC 20004. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue NW., Box 1097, Washington, DC 20004. In requesting a copy, please enclose a check in the amount of $47.50 (25 cents per page reproduction cost) payable to the "Consent Decree Library."

Richard B. Stewart,

Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 91–15179 Filed 6–25–91; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* versus *Rasmussen*, Civil Action No. 88CV40010FL, was lodged on June 13, 1991 with the United States District Court for the Eastern District of Michigan. The Consent Decree settles the liability of one defendant, Alfred E. Pearson, regarding certain past and future costs of the United States related to the Rasmussen Dump Site, located in Green Oak Township, Livingston County, Michigan.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* versus *Rasmussen*, D.J. reference #90–11–3–281.

The proposed consent decree may be examined at the Office of the United States Attorney for the Eastern District of Michigan, 113 Federal Building, 600 Church Street, Flint, Michigan 48502; the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois; and at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Washington, DC 20004, 202–347–2072. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $3.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91–15180 Filed 6–25–91; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Bankruptcy Settlement Stipulation

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on June 13, 1991, a proposed Stipulation and Agreement to Settle in *In re: DeMenno/Kerdoon*, was lodged with the Bankruptcy Court for the Central District of California. The settlement is in connection with claims of the Environmental Protection Agency in DeMenno/Kerdoon's chapter 11 bankruptcy proceedings.

The propsed settlement stipulation resolves civil claims of the United States regarding the liability of DeMenno/Kerdoon for disposal of hazardous substances at the Operating Industries, Inc. landfill, located in Monterey Park, California. The settlement provides that DeMenno/Kerdoon shall pay $200,000 towards EPA costs that were incurred up to June 1, 1988, and shall pay 0.512% of all costs incurred and to be incurred at the Operating Industries site since that date, up to an additional total payment of $600,000.

The Department of Justice will receive comments relating to the proposed settlement stipulation for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *In re: DeMenno/Kerdoon*, D.J. Ref. 90–11–2–156B.

The proposed settlement stipulation may be examined at the office of United States Attorney, 312 North Spring Street, Los Angeles, California 90012, at the Region IX office of the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105. A copy of the proposed settlement stipulation may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Ave. Building, NW., Washington, DC 20044 (202–347–2072). A copy of the proposed settlement stipulation may be obtained in person or by mail from the Environment Enforcement Section Document Center, 601 Pennsylvania Ave., NW., Box 1097, Washington, DC 20004. In requesting a copy, please enclose a check in the amount of $3.50 (25 cents per page reproduction costs) payable to "Consent Decree Library."

George Van Cleve,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91–15178 Filed 6–25–91; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL COMMUNICATIONS SYSTEM

Federal Telecommunication Standards

AGENCY: National Communications System, Office of Technology and Standards.

ACTION: Notice for comment on proposed standard.

SUMMARY: The purpose of this notice is to solicit the views of Federal agencies, industry, the public, and State and local governments on proposed Federal Telecommunication Standards 1080, "Telecommunications: Video Coder/Decoder for Audiovisual Services at 56 to 1,920 Kbit/s"; 1081, "Telecommunications: Frame Structure for a 56 to 1920 Kbit/s Channel in Audiovisual Teleservices"; 1082, "Telecommunications: System for Establishing Communication Between Audiovisual Terminals Using Digital Channels up to 2 Mbit/s"; 1083, "Frame-Synchronous Control and Indication Signals for Audiovisual System"; and 1084, "Telecommunications: Narrow-Band Visual Telephone Systems and Terminal Equipment."

DATES: Comments are due on September 24, 1991.

ADDRESSES: Send comments to the National Communications System, Office of Technology and Standards, 701 S. Court House Road, Arlington, VA 22204–2199.

FOR FURTHER INFORMATION CONTACT: National Communications System, Office of Technology and Standards, 701 S. Court House Road, Arlington, VA 22204–2199, Mr. Gary Rekstad, telephone (703) 692–2124.

SUPPLEMENTARY INFORMATION: 1. The General Services Administration (GSA) is responsible under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the Administrator of General Services designated the National Communications System (NCS) as the responsible agent for the development of Federal telecommunication standards for NCS interoperability and the computer communication interface. GSA's authority to publish Federal Telecommunication Standards is dependent on the definition of automatic data processing equipment as specified in 40 U.S.C. 759.

2. Prior to the adoption of proposed Federal standards, it is important that proper consideration be given to the needs and views of Federal agencies, industry, the public, and State and local governments.

3. Requests for copies of the draft proposed FED–STDS 1080, 1081, 1082, 1083, and 1084 should be directed to the National Communications System, Office of Technology and Standards, 701 S. Court House Road, Arlington, VA 22204–2199.

Dennis Bodson,

Assistant Manager, NCS Office of Technology and Standards.

[FR Doc. 91–15175 Filed 6–25–91; 8:45 am]

BILLING CODE 3610–05–M

NATIONAL SCIENCE FOUNDATION

Materials Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting this notice of information collection that will affect the public.

Public Comment: Interested persons are invited to submit written data, views or arguments to: Herman G. Fleming, Reports Clearance Officer, rm. 208, National Science Foundation, 1800 G Street, NW., Washington, DC 20550, and to: Office of Management and Budget, Attn: Dan Chenok, Desk Officer, Paperwork Reduction Project, Washington, DC, 20503, by July 19, 1991. All comments will be available for public inspection in rm. 208, at the above NSF address between the hours of 9 a.m. and 4 p.m.

Title: Survey of Doctorate Recipients.

Affected Public: Individuals.

Responses/Burden Hours: 19,750 respondents/14 minutes per response.

Abstract: This survey will collect demographic and labor force data on Ph.D scientists, engineers, and humanists. This information will be used in policy & planning activities by government agencies, educational institutions and private industry.

Dated: June 19, 1991.

Herman G. Fleming,

NSF Reports Clearance Officer.

[FR Doc. 91–15143 Filed 6–25–91; 8:45 am]

BILLING CODE 7555–01–M

Materials Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting this notice of information collection that will affect the public.

Public Comment: Interested persons are invited to submit written data, views or arguments to: Herman G. Fleming, Reports Clearance Officer, rm. 208, National Science Foundation, 1800 G Street, NW., Washington, DC 20550, and to: Office of Management and Budget, Attn: Dan Chenok, Desk Officer, Paperwork Reduction Project, Washington, DC, 20503, by July 19, 1991. All comments will be available for public inspection in rm. 208, at the above NSF address between the hours of 9 a.m. and 4 p.m.

Title: Requests for Proposals.

Affected Public: Individuals, State or local governments, Business or other for-profit, Non-profit institutions, and Small Businesses or organizations.

Responses/Burden Hours: 260 respondents, 120 hours per response.

Abstract: Requests for proposals used to competitively solicit proposals in response to NSF need for services. Impact will be on those individuals or organizations who elect to submit proposals in response to the RFP. Information gathered will be evaluated in light of NSF procurement requirements to determine who will be awarded a contract.

Dated: June 19, 1991.

Herman G. Fleming,

NSF Reports Clearance Officer.

[FR Doc. 91–15144 Filed 6–25–91; 8:45 am]

BILLING CODE 7555–01–M

Committee Management; Renewals

The Assistant Directors having responsibility for the Advisory Committees listed below have determined that renewal of these groups is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 et seq. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Authority for these Advisory Committees will expire on June 30, 1993, unless they are renewed.

Biological, Behavioral, And Social Sciences Directorate

Advisory Committee for Biological, Behavioral, and Social Science

Division of Behavioral, and Neural Sciences

1. Advisory Panel for Animal Learning and Behavior
2. Advisory Panel for Archaeology
3. Advisory Panel for Archaeometry and Systematic Anthropological Collections
4. Advisory Panel for Cellular Neuroscience
5. Advisory Panel for Cultural Anthropology
6. Advisory Panel for Developmental Neuroscience
7. Advisory Panel for Human Cognition and Perception
8. Advisory Panel for Linguistics
9. Advisory Panel for Neural Mechanisms of Behavior

10. Advisory Panel for Physical Anthropology
11. Advisory Panel for Sensory Systems
12. Advisory Panel for Social Psychology

Division of Biotic Systems and Resources

1. Advisory Panel for Ecology
2. Advisory Panel for Ecosystem Studies
3. Advisory Panel for Population Biology and Physiological Ecology
4. Advisory Panel for Systematic Biology

Division of Cellular Biosciences

1. Advisory Panel for Cell Biology
2. Advisory Panel for Cellular Biochemistry
3. Advisory Panel for Developmental Biology
4. Advisory Panel for Physiological Processes

Division of Instrumentation and Resources

1. Advisory Panel for Equipment & Facilities for Research at Biological Field Stations and Marine Laboratories
2. Advisory Panel for Ethics and Values Studies
3. Advisory Panel for History and Philosophy of Science
4. Advisory Panel for Instrumentation and Instrument Development
5. Advisory Panel for Instrumentation Facilities for the Biological and Behavioral Sciences
6. Advisory Panel for BBS Research Training Groups

Division of Molecular Biosciences

1. Advisory Panel for Biochemistry
2. Advisory Panel for Biophysics
3. Advisory Panel for Genetic Biology

Division of Social and Economic Science

1. Advisory Panel for Decision, Risk, and Management Science
2. Advisory Panel for Economics
3. Advisory Panel for Geography and Regional Science
4. Advisory Panel for Law and Social Sciences
5. Advisory Panel for Political Science
6. Advisory Panel for Sociology

Computer and Information Science and Engineering Directorate

1. Program Advisory Panel for Advanced Scientific Computing
2. Advisory Committee for Computer and Computation Research
3. Advisory Committee for Networking & Communications Research & Infrastructure

Education and Human Resources Directorate

Advisory Committee for Education and Human Resources

Engineering Directorate

1. Advisory Committee for Engineering
2. Advisory Committee for Biological and Critical Systems
3. Advisory Committee for Chemical and Thermal Systems
4. Advisory Committee for Design and Manufacturing Systems
5. Advisory Committee for Electrical and Communications Systems
6. Advisory Committee for Mechanical and Structural Systems

Geosciences Directorate

1 Advisory Committee for Atmospheric Sciences
2. Advisory Committee for Earth Sciences
3. Advisory Committee for Ocean Sciences
4. Advisory Committee for Polar Programs
5. Ocean Sciences Review Panel
6. Earth Sciences Proposal Review Panel

Mathematical and Physical Sciences Directorate

1. Advisory Committee for Astronomical Sciences
2. Advisory Committee for Chemistry
3. Materials Research Advisory Committee
4. Advisory Committee for Mathematical Sciences
5. Advisory Committee for Physics

Office of the Director

Alan T. Waterman Award Committee

Scientific, Technological, and International Affairs Directorate

1. Advisory Committee for Scientific, Technological, and International Affairs
2. Advisory Committee for International Programs
3. Advisory Committee for Industrial Science and Technological Innovation
4. Advisory Committee for Data and Policy Analysis

Dated: June 20, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91-15146 Filed 6-25-91; 8:45 am]

BILLLING CODE 7555-01-M

Special Emphasis Panel for Division of Cellular Biosciences: Committee of Visitors; Meetings

The National Science Foundation announces the following four Committee of Visitors meetings:

Committee of Visitors will review the following programs within the Division of Cellular Biosciences. All meetings will be held at the National Science Foundation in the rooms listed, from 8:30 a.m. to 5 p.m. All meetings are closed.

July 8–10, 1991—Cellular Biochemistry; room 1242.

July 15–17, 1991—Cell Biology; room 1242.

July 22–24, 1991—Physiological Processes; room 1242.

July 29–31, 1991—Developmental Biology; room 1242.

CONTACT PERSON: Dr. Bruce Umminger, Division Director (telephone 202/357-7905).

AGENDA: To carry out Committee of Visitors (COV) review including examination of decisions on proposals, reviewer comments, and other privileged materials.

REASON FOR CLOSING: The meetings are closed to the public because the Committee of Visitors will be reviewing proposal actions that include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would improperly be disclosed.

Dated: June 20, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91-15145 Filed 6-25-91; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Extreme External Phenomena; Meeting

The ACRS Subcommittee on Extreme External Phenomena will hold a meeting on July 10, 1991, room P-110, 7920 Norfolk Avenue, Bethesda, MD.

Most of the meeting will be open to public attendance. A portion of this meeting may be closed as necessary to discuss Proprietary Information (5 U.S.C. 552b(c)(4)).

The agenda for the subject meeting shall be as follows:

Wednesday, July 10, 1991—8:30 a.m. until the conclusion of business

The Subcommittee will discuss the NUMARC/EPRI Fire Vulnerabilities Evaluation (FIVE) Methodology for the IPEEE.

Oral statements may be presented by members of the public with the

concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the meeting, the Subcommittee, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, the nuclear industry, their respective consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Dean Houston (telephone 301/492–9521) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: June 18, 1991.

Gary R. Quittschreiber,

Chief, Nuclear Reactors Branch.

[FR Doc. 91–15096 Filed 6–25–91; 8:45 am]

BILLING CODE 7590–01–M

Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from June 3, 1991 through June 14, 1991. The last biweekly notice was published on June 12, 1991 (56 FR 27036).

Notice of Consideration of Issuance of Amendment To Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By July 26, 1991, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise

statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to **(Project Director)**: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the local public document room for the particular facility involved.

Arizona Public Service Company, et al., Docket No. STN 50-529, Palo Verde Nuclear Generating Station, Unit 2, Maricopa County, Arizona

Date of amendment request: May 29, 1991

Description of amendment request: Technical Specification 3/4.7.9 requires that hydraulic snubber functional testing be completed once every 18 months. The proposed amendment seeks to extend the testing frequency for Unit 2 hydraulic snubbers by allowing a one time extension to the current 18 month surveillance requirement plus the additional 25% allowed by Section 4.0.2. This proposed change would allow functional testing for the snubbers, currently due no later than September 25, 1991, to be deferred until the next refueling outage, scheduled for October 17, 1991, but no later than December 17, 1991.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1.Involve a significant increase in the probability or consequences of an accident previously evaluated.

The snubbers for which this amendment request pertains, are located only on the Reactor Coolant Pumps (RCPs) and Steam Generators (SGs).

There are 8 snubbers per unit located on the RCPs and 4 snubbers per unit on the SGs, for a unit total of 12 hydraulic snubbers.

. . .

The surveillance history for Unit 2 hydraulic snubbers has shown that the snubbers tested at the first and second refueling (noted above) have successfully satisfied the functional test acceptance criteria from Surveillance Requirement 4.7.9f as follows:

The snubber functional test verifies that:

1)Activation (restraining action) is achieved within the specified range in both tension and compression;

2)Snubber bleed, or release rate where required, is present in both tension and compression, within the specified range;

3)For mechanical snubbers, the force required to initiate or maintain motion of the snubber is within the specified range in both directions of travel; and

4) For snubbers specifically required not to displace under continuous load, the ability of the snubber to withstand load without displacement.

Units 1 and 3 have also met this criteria in previous functional tests. Therefore, it can be stated that there have been no problems with hydraulic snubbers at Palo Verde.

In addition, the extension of time sought in this amendment request (approximately three months if functional testing is performed at the end of the requested extension) is not considered a sufficient duration of time to incur significant degradation or expose the snubbers to other hazards or conditions for which the snubber could not function or for which the snubbers could be degraded. The snubber function is to maintain structural integrity of systems and thus mitigate the effects of any seismic event or accident described in Chapter 15 of PVNGS UFSAR. The extension of time sought in this amendment request will not degrade this capability.

Therefore, based on the discussion provided above, the proposed amendment request will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new different kind of accident from any accident previously evaluated.

The snubbers alone have no function pertaining directly to plant operation and thus cannot be an accident initiator. The snubbers ensure that the structural integrity of the reactor coolant system and other safety related systems is maintained during and following a seismic or other event initiating dynamic loads. The proposed amendment will not alter the current design of the facility nor is the extension of time significant enough to create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The proposed amendment does not involve a significant reduction in the margin of safety at PVNGS because the extension of time sought for snubber testing does not involve a change to safety limits, setpoints, or design margins.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004

Attorney for licensees: Arthur C. Gehr, Esq., Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85073

NRC Project Director: James E. Dyer

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendments request: May 24, 1991

Description of amendments request: The proposed amendment would revise the Technical Specification (TS) for both Units 1 and 2 to allow the use of the Mass Point method for conducting containment integrated leak rate tests and revise the required schedule for conducting such tests in accordance with 10 CFR Part 50, Appendix J. The schedule change takes into account the current 24-month fuel cycles. The initial schedules specified in the current TS are based on the previous 18-month fuel cycles.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to Surveillance Requirement 4.6.1.2 will only delete reference to ASNI N45.4-1972. Conformance with Appendix J to 10 CFR Part 50 will still be required. Appendix J presently allows Containment Integrated Leakage Rate Test (CILRT) analysis methods in accordance with ANSI N45.4-1972, as well as the Mass Point method described in ANSI/ANS 56.8-1987 (when used with at least a 24-hour duration).

The proposed change allows the use of an improved alternative method of evaluating CILRT data. The Mass Point method is recognized to be a more reliable method of verifying that the leakage from the containment is maintained within acceptable limits. Therefore, the assessment of containment integrity through integrated leak rate testing is enhanced. As such, the consequences of previously evaluated accidents are not impacted. Since the change would only affect the allowed techniques for surveillance testing, there will be no increase in the probability of accidents previously evaluated.

The proposed change to the schedule provides only flexibility in meeting the same requirement for three tests in ten years. The additional flexibility is needed due to the 24-month fuel cycle currently being used. Since the testing type and bases are not changed, the probability and consequences of previously evaluated accidents are not significantly increased.

(2) Would not create the possibility of a new or different type of accident from any accident previously evaluated.

The technique used to calculate leakage rates in itself is not considered to be an initiator of any accidents, transients, incidents or events. The proposed change to the schedule only provides flexibility in meeting the same requirement for three tests in ten years. The testing type and bases are not changed. Therefore, these proposed changes will not create the possibility of a new or different type of accident from any previously evaluated.

(3) Would not involve a significant reduction in a margin of safety.

Should use of the Mass Point method be allowed, an enhanced determination of containment leakage through CILRT is available. As such, the confidence level of containment integrity would also be enhanced. The Technical Specification Bases indicated only that "the surveillance testing for measuring leakage rates are consistent with the requirements of Appendix J to 10 CFR [Part] 50." The proposed change to the schedule only provides flexibility in meeting the same requirement for three tests in ten years. The testing type and bases are not changed. Both changes would continue to provide for testing that is consistent with the requirement of Appendix J. Therefore, this change does not adversely impact the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC. 20037.

NRC Project Director: Robert A Capra

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendments request: May 24, 1991

Description of amendments request: The proposed amendment would revise the Technical Specifications (TS) for both Units 1 and 2 to allow the removal of the schedules for the withdrawal of reactor vessel material specimens. Section II.B.3 of Appendix H to 10 CFR Part 50 requires the submittal to, and approval by, the Nuclear Regulatory Commission (NRC) of a proposed withdrawal schedule for material specimens before implementation. Hence, the placement of these schedules in the Technical Specifications duplicates the control on changes to these schedules that have been established by Appendix H. The NRC recognized this duplication and issued guidance for deleting the withdrawal schedules from TS in Generic Letter (GL) 91-01. The licensee has used the guidance in GL 91-01 in this proposed revision to the Calvert Cliffs Nuclear Power Plant, Units 1 and 2, TS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The removal from the Technical Specification of the schedule for the withdrawal of reactor vessel material surveillance specimens will not result in any loss of regulatory control because changes to this schedule are controlled by the requirements of Appendix H to 10 CFR Part 50 which require NRC approval and are maintained in the Updated Final Safety Analysis Report. In addition, the surveillance requirements on pressure and temperature indicate that the specimens must be removed and examined to determine changes in their material properties, and these results must be used to update the pressure and temperature limits. Therefore, no actual change in the required actions would occur and the change would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Would not create the possibility of a new or different type of accident from any accident previously evaluated.

The requested change would not result in any change to the plant design, hardware or procedures for operation. Therefore, the requested change would not create the possibility of a new or different type of accident from any accident previously evaluated.

(3) Would not involve a significant reduction in a margin of safety.

The requested change would neither result in fewer nor less frequent removal and examination of the reactor vessel material irradiation surveillance specimens, nor would it result in any change to the required use of the results of the examinations. Therefore, the pressure and temperature requirements for the reactor coolant system would be maintained in the same manner and the change would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC. 20037.

NRC Project Director: Robert A. Capra

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendments request: May 24, 1991

Description of amendments request: The proposed amendment would revise the Technical Specifications for both units to provide required snubber visual inspection intervals based on the number of inoperable snubbers found during the previous inspection in proportion to the size of the various snubber populations and categories. This requested change is based on the approach for determining visual inspection intervals developed in the Nuclear Regulatory Commission's Generic Letter 90-09, "Alternative Requirements for Snubber Visual Inspection Intervals and Corrective Actions," dated December 11, 1990. In addition, the amendment would make various editorial revisions for consistency between Units 1 and 2 and remove unnecessary wording or notes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Would not involve a significant increase in the probability or consequences of an accident evaluated.

The proposed method for determining the snubber visual inspection interval is equivalent to the previous method with regard to assuring the capability of the system which it supports. The proposed interval increase does not significantly change the failure rate and provides an equivalent assurance of operability. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Would not create the possibility of a new or different type of accident from any accident previously evaluated.

This revision will continue to assure the ability of the equipment to provide dynamic load support during a seismic event. Therefore, the proposed method for determining the snubber visual inspection intervals does not create a possibility of a new or different type of accident from any accident previously evaluated.

(3) Would not involve a significant reduction in a margin of safety.

The proposed method for determining the snubber visual inspection interval is equivalent to the previous method with regard to assuring the capability of the system which it supports. The functional testing continues to provide incentive for proper maintenance and assurance of the capability of the snubbers. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC. 20037.

NRC Project Director: Robert A. Capra

Carolina Power & Light Company, et al., Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: May 15, 1991

Description of amendment request: The amendment request is being made to address commitments made by the licensee in response to NRC Generic Letter 90-06, "Resolution of Generic Issue 70, 'Power Operated Relief Valve and Block Valve Reliability' and Generic Issue 94 'Additional Low-Temperature Overpressure Protection for Light Water Reactors' pursuant to 10 CFR 50.54(f)." The proposed changes to Technical Specifications (TS), Section 3/4.4.4 are as follows:

1. Revise the mode applicability to MODES 1, 2, and 3 to be consistent with the guidance of Generic Letter 90-06.

2. Revise the Limiting Conditions for Operation (LCO) Action Statement wording to more clearly specify that power be maintained to a block valve which is closed due to its associated power operated relief valve (PORV) being inoperable due to excessive seat leakage.

3. Revise the shutdown requirement from COLD SHUTDOWN to HOT SHUTDOWN to be consistent with the mode applicability requirements.

4. Wording changes necessary to reflect the plant design which includes two safety grade PORVs and one non-safety grade PORV.

5. Eliminate the option of continued operation for periods of greater than 72 hours with an inoperable safety grade PORV if the PORV is inoperable for reasons other than excessive seat leakage.

6. Clarify the 18-month Surveillance Requirement for the PORVs to clearly identify the surveillance test requirements including the requirement for testing in MODES 3 or 4 prior to cooldown below 325 degrees Fahrenheit.

7. Revise the Surveillance Requirements for the backup Air/Nitrogen supply which operates the PORVs to clearly indicate that this backup supply is the accumulator.

8. Revise the associated TS Bases to reflect the proposed changes and to better define the basis for operability of the PORVs and block valves.

The proposed change to TS 3/4.4.9.4 is as follows:

1. Add a new Action Statement that reduces the allowed outage time from 7 days to 24 hours for an inoperable PORV in MODES 5 or 6.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below: The change does not involve a significant hazards consideration for the following reasons:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The PORVs are used by operators for recovery from postulated accidents such as a Steam Generator Tube Rupture. Automatic actuation of the PORVs is needed for Low Temperature Overpressure Protection (LTOP) of the Reactor Coolant System. The proposed changes to the TS increase the availability and reliability of the PORVs for these functions. Therefore, there would be no increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes to the TS increase the availability and reliability of the PORVs. The requested TS changes do not involve any physical changes to the plant and, in particular, the PORVs and block valves. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

The proposed changes to the TS increase the availability and reliability of the PORVs. The proposed TS changes do not involve any changes to actuation setpoints of the PORVs or LTOP system. There is no impact of the proposed changes on any safety analysis assumptions. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the 50.92(c) licensee's analysis; and, based on this review, it appears that the three standards are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Attorney for licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, P. O. Box 1551, Raleigh, North Carolina 27602

NRC Acting Project Director: Anthony J. Mendiola

The Cleveland Electric Illuminating Company, Centerior Service Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, Docket No. 50-440, Perry Nuclear Power Plant,

Unit No. 1, Lake County, Ohio

Date of amendment request: September 13, 1990, as supplemented October 16, 1990.

Description of amendment request: The proposed amendment would revise the Perry Nuclear Power Plant (PNPP) Technical Specifications (TSs) to make several administrative corrections related to previous amendments, to apply certain existing surveillance requirements to all appropriate operational conditions and to make changes to the Administrative Controls Section to reflect recent organizational changes. Other minor editorial corrections to the TSs and the Bases are also proposed.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

This proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated since this amendment request proposes changes to PNPP Technical Specifications which either (1) constitute an additional limitation, restriction or control not presently included in PNPP Technical Specifications, or (2) constitute purely administrative changes designed to achieve consistency throughout PNPP Technical Specifications, provide clarification, correct existing errors, delete material no longer applicable to PNPP Technical Specifications, or reflect minor changes in CEI organizational structure or title. The technical qualifications necessary to operate PNPP continue to be provided by the CEI nuclear organization, and well-defined lines of authority, responsibility, and communication continue to exist for all activities affecting the safety of the plant. Each of the proposed changes have been reviewed, and determined to result in no change to plant systems or have any affect [sic] on accident conditions or assumptions. They also do not affect possible initiating events for accidents previously evaluated, or any system functional requirements.

The proposed amendment does not create the possibility of a new or different kind of accident. As stated above, the proposed changes are either administrative in nature which do not create the possibility of any new or different kind of accident or constitute additional limitations, restrictions, or control not presently included in PNPP Technical Specifications. The proposed changes do not create the possibility of a new or different kind of accident since they do not affect the reactor coolant pressure boundary, or other plant systems or structures in such a manner that could initiate any new or different kind of accident. In addition, the proposed changes do not adversely affect any system functional requirements nor plant maintenance or operability requirements in such a manner that could initiate any new or different kind of accident.

The proposed amendment does not involve a significant reduction in the margin of safety since it is administrative in nature, and does not affect any USAR design or accident assumptions. And, except for the correction of errors, the proposed changes do not affect any Technical Specification Bases.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: John N. Hannon.

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: April 8, 1991

Description of amendment request: The amendments would revise the carbon adsorber test method and methyl iodide penetration criteria along with other administrative changes to the Annulus Ventilation and Control Room Area Ventilation Systems, the Containment Purge System, the Fuel Handling Ventilation Exhaust System and the Auxiliary Building Filtered Exhaust System.

Basis for proposed no significant hazards consideration determination:

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

This proposed TS amendment will not increase the probability or consequences of an accident which has been previously evaluated. No physical changes will be made to the plant, therefore, there is no increased probability of an accident. As discussed in the Technical Justification [of the licensee's April 8, 1991 application], the decontamination efficiencies of the filters remain unchanged using the new test method and penetration acceptance criteria. The changes in the bypass leakage for the Annulus Ventilation System, the Auxiliary Building Filtered Exhaust System, and the Fuel Handling Ventilation Exhaust System which apply to Unit 2, will have no effect on the decontamination efficiencies, because a 95% decontamination efficiency was assumed originally, and this assumption accounts for a 1% bypass leakage. Because of this, the offsite dose and Control Room dose calculation results are unaffected. In addition to requiring the carbon adsorber to meet Design Basis decontamination efficiencies at 95% relative humidity, additional margin, for which no credit is taken, will be provided by the heaters. For the reasons stated above, there will be no increase in the consequences of an accident previously evaluated.

This proposed amendment to the TS does not create the possibility of a new or different kind of accident from any accident previously evaluated. This proposed TS change will not cause any physical changes to the plant or changes to operating procedures. Because the plant will continue to operate the same way it does now, this proposed amendment does not create the possibility of any new or different accident from any previously evaluated.

This proposed TS change will not cause a significant reduction in the margin of safety The new test method is more restrictive than the previous test methods, and, based on limited testing, Duke Power expects to have to change out carbon more frequently. The change in the allowed methyl iodide penetration, which was made to support the

change in test method, does not represent a significant decrease in the margin of safety. It represents the requirement of the test standard to pre-saturate the carbon adsorber. This presaturation causes a higher penetration during testing, and is conservative with respect to Design Basis Events. The test method D3803-89 is expected to provide a penetration value during testing which is higher than what would be expected during a Design Basis Event. These conservative results reflect the fact that the new test conditions are more harsh than expected plant conditions during a Design Basis Event. As an added conservatism, no credit is taken for the heaters. However the heaters will be tested and maintained, therefore, the relative humidity of air entering the carbon adsorber is never expected to reach 95%.

The addition of "at a nominal voltage of 600 VAC" to the heater SR [surveillance requirement] is administrative, and clarifies that the purpose of the requirement is to detect heater degradation. This change involves no significant hazards consideration.

Footnotes and statements related to the footnotes in the Fuel Handling Ventilation Exhaust System TS which expire on August 26, 1991 have been removed. This change is administrative, and involves no significant hazards consideration.

The change to SR 4.6.1.8.d.2 for the Annulus Ventilation System corrects an error in the SR. The system actually starts on a safety injection signal. This change does not reflect an actual change to the plant, it reflects a correction to an error in the Specifications. This change involves no significant hazards consideration.

The NRC staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: David B. Matthews

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: June 5, 1991

Description of amendment request: The requested Technical Specification (TS) amendment is a one time change to defer an ice weighing surveillance requirement (TS 4.6.5.1.b.2) for McGuire Unit 2 until the next refueling outage which is presently scheduled for January 16, 1992.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Duke Power has evaluated the proposed TS change and has determined that it does not represent a significant hazards consideration based upon the criteria established in 10 CFR 50.92(c). Operation of McGuire Nuclear Station in accordance with the proposed amendment will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

Duke proposes to modify the McGuire Nuclear Station Unit 2 Technical Specifications to revise Surveillance requirement 4.6.5.1(b)(2) to allow a one time extension of the 9 month ice weighing interval to the following refueling outage. The Ice Condenser System serves as an accident mitigation system and an extension to confirm actual ice weight is not an accident initiator.

The Ice Condenser is provided to absorb the thermal energy release following a LOCA [Loss of Coolant Accident] or steam line break inside Containment and thereby limiting the peak Containment pressure. The current design analysis is based upon a minimum average ice weight of 973... lbs. per basket (total ice bed weight of 1,890,000... lbs.). Calculations using historical Ice Condenser sublimation data with consevatism [sic] of 150%, indicate that the total ice bed weight will remain well above that value assumed in the safety analysis. Therefore, the consequences of an accident previously analyzed is not increased.

(2) Create the possibility of a new or different kind of accident from any previously analyzed.

Duke Power's request for a one time extension of the Unit 2 ice weighing interval will not result in a new or different kind of accident from that previously analyzed in McGuire's Final Safety Analysis Report (FSAR). A one time extension of the surveillance interval for this accident mitigation system is not considered to be an accident initiator. The TS ice weights derived from the safety analysis weight plus additional allowances of 10% for sublimation and 1.1% for weighing errors will ensure that the ice bed will not decrease below the design bases weight over the proposed surveillance interval. Therefore, the peak Containment pressure assumed in the safety analysis is still valid. This amendment involves no equipment changes or how the Ice Condenser system is operated.

(3) Involve a significant reduction in the margin of safety.

The Ice Condenser is designed to limit the Containment pressure below the design pressure for all reactor coolant pipe break sizes up to and including a double-ended severance. With a multiplier of 150% for additional conservatism, the worst case ice weight remains approximately 18% above the ice basket safety margin weight of 983 lbs. Because the minimum required ice weight assumed in the safety analysis is not being altered, the margin of safety as described in the Peak Containment Pressure Transient is not impacted.

The Ice Condenser also serves as a Containment air purification and cleanup system by absorbing molecular iodine from the containment atmosphere following a LOCA. The required boron concentration of the stored ice is not affected by this TS change request. Therefore, the air purification aspects of the Ice Condenser remain unchanged by this submittal and the margin of safety is not adversely impacted.

The Commission's staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the Commission's staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: David B. Matthews

Duke Power Company, Docket Nos. 50-269, 50-270 and 50-287, Oconee Nuclear Station, Units 1, 2 and 3, Oconee County, South Carolina

Date of amendment request: May 7, 1991, as supplemented May 13, 1991

Description of amendment request: The proposed amendments would delete the cycle dependent core operating limits from the Technical Specifications (TSs) to allow 10 CFR 50.59 reviews for future core reloads for all Oconee units. These limits will be relocated in a Core Operating Limits Report (COLR) in accordance with the guidance provided in NRC Generic Letter 88-16. Also, proposed TS 5.3.1.2 would establish new dimensional requirements for active fuel height to accommodate a new fuel design for the Unit 1, Cycle 14 reload and future reloads for all three Oconee units.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) This amendment request removes the cycle specific core operating limits from the Technical Specifications and is consistent with the guidance provided in Generic Letter 88-16 in that the proposed Technical Specifications reference a formal report, COLR, which contains the cycle specific core operating limits. In addition, the associated

reporting requirements are already included in Administrative Controls section, Section 6.9, and finally the COLR is referenced in place of the limits removed from the Technical Specifications.

The removal of cycle dependent variables from the Technical Specifications has no impact upon plant operation or safety, or on the probability of a Design Basis Accident (DBA) occurrence. The Technical Specifications will continue to require operation within the core operational limits for each cycle reload calculated by the approved reload design methodologies. Appropriate actions to be taken if limits are violated will also remain in the Technical Specifications.

Each accident analysis addressed in the Oconee Final Safety Analysis Report (FSAR) has been examined with respect to changes in cycle specific parameters, and the new active fuel height in Technical Specification 5.3.2.1, in accordance with the approved reload methodologies to ensure that the transient evaluation for Unit 1, Cycle 14 reload with the new parameters is bounded by previously accepted analysis... Future reloads will be evaluated per the requirements of 10 CFR 50.59 to assure that these reloads will not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) As stated earlier, the removal of the cycle specific variables has no influence, impact nor does it contribute in any way to the probability or consequences of an accident. The cycle specific variables are calculated using the NRC approved methods. The Technical Specifications will continue to require operation within the required core operating limits and appropriate actions will be taken if limits are exceeded. The revised Technical Specification 5.3.2.1 includes a new active fuel height which is in support of the new fuel assembly design implemented for the Unit 1, Cycle 14 reload. This new fuel design which will also be utilized in future reloads has been analyzed in accordance with the NRC approved reload methodologies...

The proposed amendment does not in any way create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The margin of safety is not affected by the removal of cycle specific core operating limits from the Technical Specifications nor by the change in the height of the active fuel in the proposed Technical Specification 5.3.2.1. The margin of safety presently provided by current Technical Specifications remains unchanged. The proposed amendment still requires operation within the core limits as obtained from the NRC approved reload design methodologies and appropriate actions to be taken when or if limits are violated remain unchanged.

The development of the limits for future reloads will continue to conform to those methods described in NRC approved documentation. In addition, each future reload will involve a Part 50.59 safety review to assure that operation of the unit within the cycle specific limits will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina 29691

Attorney for licensee: J. Michael McGarry, III, Winston and Strawn, 1200 17th Street, NW., Washington, DC 20036

NRC Project Director: David B. Matthews

Entergy Operations, Inc., et al., Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: June 19, 1989 as revised May 31 and December 7, 1990, and as supplemented February 7, March 4, and April 10, 1991.

Description of amendment request: The amendment would change the Technical Specification (TS) and associated Bases for the standby liquid control system by specifying an acceptable range of sodium pentaborate solution temperature (75 - 130 degrees F), concentration (13.6 - 15.2 weight percent) and (volume 4281 - 5088 gallons) for normal operation in lieu of the presently specified range of solution temperature (75 - 130 degrees F), concentration (13.6 - 28.5 weight percent), minimum volume (4530 gallons) and minimum weight (5800 pounds). An additional action statement would allow the solution concentration to be as high as 28.5 weight percent for 72 hours provided the solution temperature is above the saturation temperature as measured each 4 hours. An additional surveillance requirement would be the daily determination of the operability of heat tracing on pump suction piping by determining that power is available to at least one of the two redundant circuits.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. No significant increase in the probability or consequences of an accident previously evaluated results from this change.

a. The standby liquid control system (SLCS) safety design basis is to deliver sufficient neutron absorber solution to the reactor vessel to assure reactor shutdown in the unlikely event of a failure of the primary reactivity control system or anticipated transient without scram (ATWS). Because SLCS is completely independent of the normal means of shutting down the reactor (control rod drive system), changes to the SLCS will not affect the control rod drive system. Since the control rod drive system will remain unaffected, the probability of failure of the control rod drive system (e.g., ATWS event) will not change. Therefore, the probability of an ATWS remains unchanged by the proposed amendment.

b. The revised sodium pentaborate solution and pump suction piping temperature requirements prevent precipitation of the sodium pentaborate out of solution.

c. The revised sodium pentaborate solution volume and concentra tion requirements ensure SLCS has adequate neutron absorber solution for reactor shutdown from the most reactive state will allowance for solution leakage and imperfect mixing.

d. The change in surveillance requirements for the SLCS will not significantly affect the reliability of the system. The revised surveillance requirement to verify pump suction piping temperature as well as power availability to the heat tracing circuitry will not result in a decrease in the assurance that the sodium pentaborate solution is maintained above its saturation temperature. The revised surveillance requirements do not decrease the frequency of testing. The inservice inspection and functional testing of the SLCS is not affected by this change. The deletion of the requirement to determine the available weight of sodium pentaborate has no effect because all the points specified in the new Figure 3.1.5-1 in the acceptable region meet the minimum acceptable weight necessary. Therefore, the requirement to determine the weight is redundant since as long as the concentration and volume of the tank are within the acceptable operation region, minimum weight requirements are satisfied.

e. The design and operation of the SLCS remains within the existing design basis for the system. The ability of the system to deliver at least the design minimum weight of sodium pentaborate to the reactor vessel at design flow rates is not affected by this change.

f. Therefore, the probability or consequences of previously analyzed accidents are not increased.

2. This change would not create the possibility of a new or different kind of accident from any previously analyzed.

a. This change does not involve a physical change in any system's configuration.

b. No new mode of operation is introduced by this change. This change maintains SLCS operable at all times when it is possible to make the reactor critical.

c. Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. This change would not involve a significant reduction in the margin of safety.

a. The sodium pentaborate solution volume requirements satisfy the design bases for the system. The solution and pump suction piping temperature limits and the solution concentration levels are more restrictive than currently allowed. The current TS could have resulted in system temperatures below the saturation temperature. The proposed change increases the margin of safety between the saturation temperature and the operating temperature since the operating temperature

has been raised. The margin of safety for the boron concentration remains unchanged since the minimum concentration of 13.6% is unaltered by the proposed change.

b. This change does not affect the ability of the SLCS to assure reactor shutdown independent of control rod insertion. This change is in accordance with the requirements of 10 CFR 50.62.

c. Therefore, this change will not involve a significant reduction in the margin of safety. Therefore, based on the above evaluation, operation in accordance with the proposed amendment involves no significant hazards considerations.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room Location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., 12th Floor, Washington, DC 20005-3502

NRC Project Director: Theodore R. Quay

Entergy Operations Inc., Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: May 8, 1991

Description of amendment request: The proposed amendment would revise the Technical Specification (TS) by adding additional provisions to protect against Low Temperature Overpressure Protection (LTOP) of the primary system. This amendment is in response to Generic Letter (GL) 90-06 dated June 25, 1990.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

During startup and shutdown conditions at low temperature without protection, particularly when water-solid, RCS pressure might exceed reactor vessel pressure-temperature limitations established for protection against brittle fracture. A major overpressurization transient at low temperature, if combined with a critical crack in the reactor pressure vessel welds or plate material could result in a brittle fracture of the pressure vessel. Failure of the pressure vessel could hinder the ability to provide adequate coolant to the reactor core resulting in major core damage or a core melt accident. The design based overpressurization case for LTOP is the simultaneous, inadvertent operation of all three charging and HPSI [high pressure safety injections] pumps with the pressurizer backup heater in operation at low temperature. Each LTOP relief valve is sized to provide sufficient overpressurization protection during such an accident.

Changes suggested by GL 90-06 and included in the proposed amendment either simplify and clarify TS 3.4.8.3 (Overpressure Protection Systems) or add additional TS restrictions for periods of degraded LTOP System performance. There is no change to the physical plant, to the operation of the plant, or to the existing safety analyses. The proposed changes improve LTOP System availability and do not change the safety-related function of the system or its operation. As such, the operation of Waterford 3 in accordance with these proposed changes does not increase the consequence of any accident previously evaluated.

The proposed TS changes are made in strict accordance with instructions provided in GL 90-06. As described above, these changes either simplify or clarify TSs (which do not change the intent of the TS) or add restrictions for periods of degraded LTOP performance. This corresponds to improved availability or overpressurization protection at low temperature. Additional information contained in the existing TS but not addressed by the GL is retained in the proposed amendment. This is compatible with the intent of the GL. By retaining this in the amendment, existing protection is not compromised. The net effect is improved availability of LTOP.

This amendment meets the objective of the GL by proposing TS changes to improve availability of the LTOP System during vulnerable periods of operation. Improved availability of the LTOP System corresponds to a decreased probability of an accident involving the loss of LTOP. The probability of all other accidents remains unaffected by the proposed amendment. Therefore, operation of Waterford 3 in accordance with these proposed changes does not increase the probability of any accident previously evaluated.

A new kind of failure path would have to be introduced by these proposed changes to introduce a new or different kind of accident from those already analyzed. As previously identified, most of these changes merely provide clarification, simplification, or more conservative restrictions. Operation of the plant will remain unaltered. There are no plant design modifications necessary to implement these changes. Consequently, a new failure path cannot exist as a result of the proposed amendment. Since the only resulting change is an improvement in LTOP availability, the current plant safety analyses remain complete and accurate in addressing licensing basis events and analyzing plant response. Therefore, the proposed amendment cannot create the possibility of a new and different kind of accident than previously evaluated.

Each LTOP relief valve has been sized for transients due to simultaneous, inadvertent operation of all three HPSI pumps and all three charging pumps with the pressurizer backup heater in operation. Since the safety injection actuation signal starts only two HPSI pumps, a 20% design margin is recognized for each relief valve. The proposed amendment does not affect any of these design related issues or the performance of the system. All technical content of the safety analyses will be preserved. There will be no change to the physical design or operation of the plant. Consequently, operation of Waterford 3 in accordance with these proposed changes does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122

Attorney for licensee: Ernest L. Blake, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N St., N.W., Washington, D.C. 20037

NRC Project Director: Theodore R. Quay

Entergy Operations Inc., Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: May 8, 1991

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) to 1) change the required volume of fuel oil in the diesel oil feed tanks and the separate fuel oil storage tanks, 2) change the minimum value for fuel oil specific gravity and the maximum value for API gravity, 3) clarify that the surveillance is to verify fuel transfer from the fuel storage tank in each train to the oil feed tank of the opposite train via the installed cross connection line, and 4) change the test schedule frequency for diesel generators. The proposed change is partially in response to draft Regulatory Guide 1.9.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Previously analyzed accidents that are potentially affected by this change are those that postulate the loss of offsite power (LOOP) concurrent with the accident (e.g., a loss of coolant accident with a LOOP). To significantly increase the probability or consequence of such an accident, this change would have to negatively impact the reliability or performance of the EDGs.

The first revision changes the minimum volumes for the diesel oil feed tanks and storage tanks. Slightly increasing the minimum feed tank volume affects the length of time the EDGs can run before the fuel oil transfer pumps are required. This slight increase is conservative with respect to the existing capacity and therefore has no impact.

The reduction of the minimum volume required for the storage tank (from 38,760 to 34,000 gallons) reduces the reserve from a seven day supply to five. If the diesel generator is to be run continuously, there are several sources of diesel oil suppliers within the area. Waterford 3 has purchase agreements with several local suppliers that provide delivery approximately twenty-four hours from the time of request.

These suppliers have more than sufficient quantities in inventory for Waterford 3 purposes. It is improbable that additional fuel oil could not be secured and delivered within five days, even under the most severe weather conditions. Primarily, diesel oil is brought in by truck. Under extremely unfavorable environmental conditions, it is possible to deliver the diesel oil by railroad. Also, it is possible to bring the diesel oil in barges and unload them at the barge loading facility next door at Waterford 1 and 2. As such, interruption of EDG operation following any limiting design basis event or accident is highly unlikely. The reliability and performance of the EDGs are unaffected.

The second revision increases the required minimum specific gravity and conversely reduces the required maximum API gravity for a sample taken from the storage tank. As stated, this more conservative requirement for specific gravity (and API gravity) increases the energy content in a given volume of fuel increasing the EDG run-times. It will not adversely affect the reliability or performance of the EDGs.

The third revision clarifies the description of the surveillance of the flow-paths for the EDG fuel supply. This is requested such that surveillances providing redundant information are not required. Since the revised surveillance assures all possible flow-paths are available (either directly, or by implication) between the EDG fuel storage and feed tanks and does not reduce the intended scope of the surveillance, it will not adversely affect the reliability or performance of the EDGs.

The fourth change redefines surveillance frequencies applicable to the EDGs. It is our understanding that this change is consistent with the NRC's resolution of GI B-56 - Diesel Generator Reliability. Although the intent is to establish a defined level of reliability for a problem EDG before returning its test to a standard frequency, the actual test itself does not affect reliability, nor does it improve EDG performance. However, excessive testing may harm the hardware adversely affecting reliability and performance. Since this change represents a potential reduction in the number of challenges to the system, if anything, there will be an increase in reliability of the EDG and potential improvement in performance.

Based on the above information, these revisions to the TSs will not adversely affect the reliability or performance of the EDGs. Consequently, operation of Waterford 3 in accordance with the proposed changes does not involve a significant increase in the probability or consequence of any accident previously evaluated.

To create a new or different kind of accident, these changes will have to introduce a new failure path. In this regard, these revisions are benign since they do not alter the system or its operation. Redefining the minimum tank volumes does not impact the fuel supply since the reduction is either conservative (in the case of the feed tank) or does not undermine the capability to obtain additional feed supplies in a timely manner. Increasing the restriction on the specific gravity of the fuel oil improves EDG performance without introducing any changes to the system or its operation. The text change to the flow-path surveillance does not diminish the intended scope of the existing surveillance and therefore, does not reduce its effectiveness. The revision to Table 4.8-1, Diesel Generator Test Schedule, to the best or our knowledge is consistent with the next revision of RG 1.9. Again, the scope of this surveillance remains unchanged by the revision to the table; hence, its effectiveness is preserved.

Based on the above information, these changes do not introduce a new failure path and therefore, will not create a new, unevaluated sequence of events. The current plant safety analyses are bounding and this revision will not create the possibility of a new or different kind of accident from any accident previously evaluated.

An adjustment increasing the value for the minimum feed tank volume is insignificant and will not affect operability of the EDGs. However, the changes to the minimum storage tank volume and the restriction on specific gravity (and API gravity) may affect the length of time an EDG can operate without replacement fuel. The gravity requirement is altered to be more conservative, and therefore, will not negatively impact the run time. Decreasing the minimum required volume for the storage tank represents a reduction in fuel oil supply from a seven day reserve to five. This does not impact the availability of the EDGs following any limiting design basis event or accident since this reserve provides adequate time for local suppliers to replenish fuel without interrupting operation of the diesels. As indicated, the text changes to the flow-path surveillance and Table 4.8-1 do not diminish the intended scope of the existing surveillances and therefore, do not impact the intended capability of each EDG to be fueled from the alternate storage tank. The change to the flow-path surveillance provides clarification without altering the intent. In the proposed text it will assure operability of the fuel transfer system by requiring verification of specific paths. The reduction in test frequencies will still provide sufficient determination of reliability with fewer potentially harsh challenges made to the system.

The proposed amendment does not affect any design related issues or the performance of the system. All technical content of the safety analyses are retained and no analysis-based safety margins are affected. There are no changes to the physical design of the plant. Based on this information, operation of Waterford 3 in accordance with the proposed changes does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122

Attorney for licensee: Ernest L. Blake, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N St., N.W., Washington, D.C. 20037

NRC Project Director: Theodore R. Quay

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of amendment request: April 12, 1991

Description of amendment request: The proposed amendments would revise the Hatch Nuclear Plant, Units 1 and 2, Technical Specifications (TSs) as follows. Proposed Change 1 to Unit 2 would revise TS 3/4.4.3, "Reactor Coolant System Leakage," to incorporate the requirements of an NRC Confirmatory Order dated July 8, 1983, and an NRC Safety Evaluation Report (SER) dated February 16, 1990. Proposed Change 2 to Unit 1 would revise TS 3.6.G, "Reactor Coolant Leakage," to reflect NRC's recommendations stated in the February 16, 1990 SER. Proposed Change 3 would revise Unit 1 TS 4.6.K, "Structural Integrity," and Unit 2 TS 4.0.5 to include a paragraph stating the Inservice Inspection (ISI) Program for piping, covered by the scope of Generic Letter (GL) 88-01, is in conformance with the NRC staff position related to schedule, methods and personnel, and sample expansion, except where specific written relief has been granted by the NRC. Also, obsolete material in Unit 2 TS 4.0.5 referencing ASME Section XI requirements prior to the start of commercial operation has been removed.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards

consideration, which is presented below:

Proposed Change 1

1. The proposed change does not significantly increase the probability or consequences of an accident previously evaluated. This change, which was made at the NRC's request, does not involve any physical modifications to the plant and does not affect the operation, maintenance, or testing of the plant. Revising the RCS leakage monitoring interval or reducing the averaging period for checking conformance to limits will not fundamentally change the method, or the fact that RCS leakage is checked on a frequent basis. For these reasons, this change does not significantly increase the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different type of accident from any accident previously evaluated. Plant Hatch is analyzed for large, unisolatable leaks in the RCS; leakage is carefully monitored to reduce the probability of this occurring. Since no change is being made to the design, operation, maintenance, or testing of the plant, a new mode of failure is not created. Therefore, a new or different kind of accident will not occur as the result of this change.

3. The proposed change does not significantly reduce a margin of safety. Safety analysis assumptions and equipment performance are not changed, as reflected in the NRC SER dated February 16, 1990. RCS leakage will continue to be carefully monitored.

Proposed Change 2

1. The proposed change does not significantly increase the probability or consequences of an accident previously evaluated. This change, which was made at the NRC's request, does not involve any physical modifications to the plant and does not affect the operation, maintenance, or testing of the plant. Revising the RCS leakage monitoring interval or reducing the averaging period for checking conformance to limits will not fundamentally change the method, or the fact that RCS leakage is checked on a frequent basis. For these reasons, this change does not significantly increase the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different type of accident from any accident previously evaluated. Plant Hatch is analyzed for large, unisolatable leaks in the RCS; leakage is carefully monitored to reduce the probability of this occurring. Since no change is being made to the design, operation, maintenance, or testing of the plant, a new mode of failure is not created. Therefore, a new or different kind of accident will not occur as the result of this change.

3. The proposed change does not significantly reduce a margin of safety. Safety analysis assumptions and equipment performance are not changed, as reflected in the NRC SER dated February 16, 1990.

RCS leakage will continue to be carefully monitored.

Proposed Change 3

1. The proposed change will not significantly increase the probability or consequences of an accident previously evaluated. This change, which was made at the NRC's request, simply restates the wording of GL 88-01 relative to ISI. No changes to Plant Hatch ISI practices or methods are being made. This change does not involve any physical modifications to the plant and does not affect the operation, maintenance, and testing of the plant. Deleting the portion of existing Unit 2 TS 4.0.5, which reflected inservice inspection and testing requirements prior to commercial operation, will have no impact, since both units have been operating for several years and follow the applicable 10 CFR 50.55a(g) requirements. For these reasons, the response of the plant to previously evaluated accidents will remain unchanged.

2. The proposed change does not create the possibility of a new or different type of accident from any accident previously evaluated. Since no change is being made to the design, operation, maintenance, or testing of the plant, a new mode of failure is not created. Therefore, a new or different kind of accident will not occur as the result of this change.

3. The proposed change does not significantly reduce a margin of safety. Safety analysis assumptions and equipment performance are not changed, as reflected in the NRC SER dated February 16, 1990.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513

Attorney for licensee: Bruce W. Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: David B. Matthews

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of amendment request: June 13, 1991

Description of amendment request: The proposed amendments would revise Hatch Units 1 and 2 Technical Specifications (TSs) as follows. Proposed Change 1 would revise (a) Unit 1 TS 3.10.D, Unit 2 TS 3/4.9.10 and their associated bases to require at least 21 feet of water above irradiated fuel assemblies seated in the spent fuel pool (SFP) fuel storage racks; and (b) Unit 1 TS 4.10.D to require surveillance of the SFP water level every 7 days consistent with Unit 2 TSs and the BWR-4 Standard TSs. Proposed Change 2 would revise Unit 1 TS Tables 3.2-11 and 4.2-11 to require that the post-LOCA radiation monitors be calibrated at least once every 18 months. Proposed Change 3 would correct administrative errors in Unit 2 TS Tables 3.3.2-1 and 3.8.2.6-1.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff review is presented below.

Proposed Change 1

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The licensee's calculation of exposures at the exclusion area and low population zone boundaries determined that the thyroid doses would be .358 and .370 rem, respectively, when 21 feet of water covers the top of the upper tie plates of irradiated fuel seated in the SFP storage racks. This compares to .256 and .264 rem, respectively, when the water depth is 23 feet. Thus, there is only a slight increase in the calculated radiological consequences of the fuel handling accident. However, these exposures are still far below the NRC acceptance criteria for thyroid dose of 75 rems.

Changing the Unit 1 surveillance requirement for determining the SFP water level from daily to weekly will not significantly reduce the margin of safety because the radiological consequences of a fuel handling accident in the SFP will not exceed the acceptance limit for that event even when the pool level is as low as its low level alarm.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The TS revision does not change the physical configuration of the plant or alter the mode of operation or setpoints of any equipment in the plant nor will it result in any changes to the plant procedures except the Unit 1 surveillance interval (for determining the SFP water level) from once per day to once per week.

3. The proposed change does not involve a significant reduction in a margin of safety. Based on the discussion in items 1 and 2 above, the decrease in the margin of safety is very slight.

Proposed Change 2

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed revision to Unit 1 TSs to require that the radiation monitor be calibrated at least once every 18 months would maintain consistency with Unit 2 TSs and the NRC BWR-4 STS. The licensee has reviewed field data of these monitors over two successive 18-month calibrations and found that they did not drift outside their acceptance range.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The post-LOCA radiation monitors are considered a passive portion of radiation control because they do not actively handle or control radiation hazards but only provide alarm capability.

3. The proposed change does not involve a significant reduction in a margin of safety.

Based on the discussion in items 1 and 2 above, the decrease in the margin of safety is very slight.

Proposed Change 3

The proposed change would correct administrative errors in Unit 2 TS Tables 3.3.2-1 and 3.8.2.6-1. This correction does not affect the Final Safety Analysis Report analyses or plant operation. Therefore, the proposed change does not significantly increase the probability or consequences of an accident previously evaluated, does not create the possibility of a new or different kind of accident from any accident previously evaluated, and does not significantly reduce a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513

Attorney for licensee: Bruce W. Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: David B. Matthews

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: May 3, 1991

Description of amendment request: The proposed amendments would add a footnote to Technical Specification (TS) 3.6.3, "Containment Isolation Valves," stating that isolation valves associated with the containment hydrogen monitors may be opened on an intermittent basis under administrative control.

Basis for proposed no significant hazards consideration determination: Technical Specification 3.6.3 does not permit containment isolation valves to be opened while the plant is in Modes 1, 2, 3, or 4. The effect of the proposed change would be to permit containment isolation valves in the suction and discharge lines of the containment hydrogen monitors to be opened on an intermittent basis under administrative control. This would facilitate periodic operability tests of the hydrogen monitors required by TS 4.6.4.1. Opening the valves to perform these tests allows verification of the flowpath as well as the flowrate delivered by the hydrogen monitor pump. The proposed TS change would also permit testing of the post-accident sampling system (PASS) regarding sampling of the containment atmosphere.

The Westinghouse Standard TSs contain a footnote permitting certain valves to be opened periodically under administrative control. The licensee notes that this provision was inadvertantly omitted during preparation of the Vogtle TSs.

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Opening of the containment isolation valves associated with the containment hydrogen monitors on an intermittent basis under administrative control does not significantly increase the probability or consequences of accidents previously evaluated. The hydrogen monitoring system is designed as a Class 1E, Seismic Category 1 system, and is designed to retain its integrity under all conditions following a DBA [Design Basis Accident]. In addition, the essential portions of the PASS are designed to Seismic Category 1 requirements and the PASS is designed to function under post-accident conditions. Opening of the subject valves will be administratively controlled, consistent with the intent of the Westinghouse Standard Technical Specifications. The post-accident processing system, which includes the containment hydrogen monitoring system and the PASS, is subject to regular leakage assessment in accordance with Technical Specifications 6.7.4.a.5 to reduce leakage from those portions of systems outside containment that could contain highly radioactive fluids during serious transients or accidents. Accordingly, the radiological consequences for any accident previously reviewed and approved associated with the plant licensing basis are not significantly increased by the proposed change. Therefore, this change will not significantly increase the probability or consequences of accidents previously evaluated.

The opening of the containment isolation valves associated with the containment hydrogen monitors, as well as the PASS, on an intermittent basis under administrative control will not create the possibility of a new or different kind of accident from any previously evaluated. New failure modes have not been defined for any system or component important to safety nor has any new limiting single failure been identified as a result of the proposed change. Therefore, the proposed change does not create the possibility of a new or different kind of accident [from those] previously evaluated in the FSAR [Final Safety Analysis Report].

The margin of safety provided in the bases to any Technical Specification is not significantly reduced because the post-accident processing system, which includes the containment hydrogen monitors and the PASS, has been demonstrated to be capable of withstanding the post-accident environment inside containment. Therefore, containment integrity will not be adversely impacted. Opening of the containment isolation valves associated with the containment hydrogen monitors on an intermittent basis under administrative control is consistent with the intent of the Westinghouse Standard Technical Specifications. Therefore, the current level of safety associated with containment integrity and with the containment hydrogen monitors will not be diminished by the proposed Technical Specification revision.

The Commission's staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the Commission's staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830.

Attorney for licensee: Mr. Arthur H. Domby, Troutman, Sanders, Lockerman and Ashmore, Candler Building, Suite 1400, 127 Peachtree Street, NE., Atlanta, Georgia 30043.

NRC Project Director: David B. Matthews

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: June 3, 1991

Description of amendment request: The proposed amendments would modify Technical Specification (TS) 5.3.1 which specifies that "The core shall contain 193 fuel assemblies with each

fuel assembly containing 264 fuel rods clad with Zircaloy-4". This sentence would be supplemented by adding, "except for two fuel assemblies which may each contain up to twelve (12) fuel rods clad with ZIRLO™."

Basis for proposed no significant hazards consideration determination:

The proposed change would allow the use of two fuel assemblies, each containing up to 12 fuel rods clad with ZIRLO™ rather than Zircaloy-4, to test the cladding's improved corrosion-resistant performance under Vogtle-specific reactor conditions. As part of its long-term fuel management strategy, the licensee plans to load the two fuel assemblies containing selected fuel rods clad with ZIRLO™ during the refueling outage for Vogtle Unit 1's fuel cycle 4, which is scheduled during the fourth quarter of 1991. The two fuel assemblies will be of the VANTAGE-5 variety manufactured by Westinghouse. The licensee's proposed changes and plans to use VANTAGE-5 fuel were discussed in a previous Federal Register notice (56 FR 20037, dated May 1, 1991) and are outside the scope of this notice.

ZIRLO™ is the trademark for an advanced zirconium alloy cladding material. It is chemically similar to Zircaloy-4 but contains slightly reduced amounts of tin, iron, chromium, and zirconium and includes the addition of one percent niobium to improve waterside corrosion and hydriding properties. Test assemblies of fuel rods clad with ZIRLO™ have shown improved corrosion and hydriding, and lower clad irradiation growth and creepdown compared to Zircaloy-4 cladding. Two demonstration fuel assemblies with ZIRLO™ fuel clad rods began irradiation in the North Anna Unit 1 reactor in June 1987. As reflected in Westinghouse Report WCAP-12610 dated June 1990, evaluations have been performed with an NRC approved fuel rod performance code (WCAP-10851-P-A, August 1988) to verify that the fuel rod design bases and design criteria are met for assemblies containing ZIRLO™ cladding.

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The probability or consequences of an accident previously evaluated are not significantly increased. The two VANTAGE-5 fuel assemblies containing selected ZIRLO™ clad fuel rods meet the same fuel assembly and fuel rod design bases ... as other VANTAGE-5 fuel assemblies in the same fuel region. In addition, the 10 CFR 50.46 criteria will be applied to the ZIRLO™ clad fuel rods. The use of these two fuel assemblies will not result in a change to the proposed Vogtle VANTAGE-5 reload design and safety analysis limits ... Since the original design criteria is being met, the ZIRLO™ clad fuel rods will not be an initiator for any new accident. The ZIRLO™ clad material is similar in chemical composition and has similar physical and mechanical properties as that of Zircaloy-4. Thus, the cladding integrity is maintained and the structural integrity of the fuel assembly is not affected. The ZIRLO™ clad fuel rod improves corrosion performance and dimensional stability. No concerns have been identified with respect to the use of an assembly containing a combination of both Zircaloy-4 and selected ZIRLO™ clad fuel rods. Since the dose predictions in the Vogtle safety analyses are not sensitive to the fuel rod cladding material used, the radiological consequences of accidents previously evaluated in the Vogtle safety analyses remain valid. Therefore, the probability or consequences of an accident previously evaluated are not significantly increased.

The possibility of a new or different kind of accident from any accident previously evaluated is not created since the two VANTAGE-5 fuel assemblies containing selected ZIRLO™ clad fuel rods will satisfy the same design bases ... as that used for other VANTAGE-5 fuel assemblies in the same fuel region. All design and performance criteria will continue to be met and no new single failure mechanisms have been defined. In addition, the use of the two fuel assemblies does not involve any alterations to plant equipment or procedures which would introduce any new or unique operational modes or accident precursors. Therefore, the possibility for a new or different kind of accident from any accident previously evaluated is not created.

The margin of safety is not significantly reduced, since the two VANTAGE-5 fuel assemblies containing selected ZIRLO™ clad fuel rods do not change the proposed Vogtle VANTAGE-5 reload design and safety analysis limits ... The use of the two fuel assemblies will take into consideration the normal core operating conditions allowed for in the Technical Specifications. For each cycle reload core, the two fuel assemblies will be specifically evaluated using standard reload design methods ... and approved fuel rod design models and methods ... This will include consideration of the core physics analysis peaking factors and core average linear heat rate effects. Therefore, the margin of safety as defined in the bases to the Vogtle Technical Specifications and VANTAGE-5 Licensing Amendment Request [i.e., the licensee's letter of November 29, 1990] ... is not significantly reduced.

The Commission's staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the Commission's staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830.

Attorney for licensee: Mr. Arthur H. Domby, Troutman, Sanders, Lockerman and Ashmore, Candler Building, Suite 1400, 127 Peachtree Street, NE., Atlanta, Georgia 30043.

NRC Project Director: David B. Matthews

Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of amendment request: June 6, 1991

Description of amendment request: The proposed amendment would change Millstone Unit 3 Technical Specification (TS) 3/4.6.4.2, "Electric Hydrogen Recombiners" to replace TS Figure 3.6.2, "Hydrogen Recombiner Acceptance Criteria Flow vs. Containment Pressure" with a series of equations to be incorporated in plant procedures. In addition, the hydrogen recombiner temperature and flow requirements, currently addressed in TS 4.6.4.2.b.4, would be addressed in proposed TS 4.6.4.2.b.4 and 4.6.4.2.b.5, respectively.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below: The proposed changes do not involve a significant hazards consideration because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed.

The new proposed Section 4.6.4.2.b.5 will continue to verify the capability of the hydrogen recombiner to meet design basis analysis assumptions. The appropriate plant procedures are in place to ensure that the hydrogen recombiners are placed in service within 24 hours of a LOCA. Therefore, it is concluded that the LOCA and its consequences as analyzed remain valid. Since no physical modifications are proposed, the probability of a LOCA is not affected. The surveillance requirement related to verification of the gas temperature (Section 4.6.4.2.b.4) has been separated from the flow rate verification and this change does not reduce the effectiveness of the technical specifications. The change to the Technical Specification Index has no impact on the consequences or the probability of an accident previously analyzed.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

The proposed changes to Sections 4.6.4.2.b.4 and 4.6.4.2.b.5 and the Technical Specification Index do not impact the plant response to a LOCA.

Since there are no changes in the way the plant is operated, the potential for an

unanalyzed accident is not created, and no new failure modes are introduced.

3. Involve a significant reduction in the margin of safety.

The proposed changes do not increase the consequences of any accidents as the hydrogen concentration is maintained below 4 percent. Also, none of the protective boundaries are affected. The performance level of the hydrogen recombiners assured by the proposed surveillance requirements along with the appropriate plant procedures maintain the margin of safety as defined in the existing and proposed technical specifications.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: June 7, 1991

Description of amendment request: This license change application proposes new surveillance values for emergency core cooling system pumps flow rates. The proposed changes are consistent with accident analysis and pump performance requirements, and allow margin for measurement uncertainty. Also, new surveillance requirements are added to ensure that the accident analyses assumptions are met.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis of the issue of no significant hazards consideration, which is presented below:

1.Does the proposed license change involve a significant increase in the probability or consequences of an accident previously evaluated?

The change to ECCS flow rate does not affect parameters related to the initiation of an accident, hence the probability of an accident is not increased. The consequences of an accident previously evaluated are not increased because the input to dose calculations are not adversely affected by the proposed changes to the ECCS surveillance test ranges as demonstrated by the accident analysis results. The effect of the proposed change on the FSAR accident analysis results has been evaluated and it is shown that the effect of the change is bounded by previously reported results.

The SGTR transient does not adversely affect the possibility of steam generator overfill. The open miniflow configuration will decrease the injected flow and decrease reactor coolant flow out of the ruptured tube.

The proposed lower limit of the ECCS surveillance flow testing has been demonstrated by analysis to provide adequate ECCS flow to cool the core.

The Containment response evaluation shows that the Containment pressure does not exceed its design limit and Containment integrity is not challenged.

Therefore, the probability of occurrence and the consequences of any previously evaluated accidents that credit the ECCS are not increased.

2. Does the proposed license change create the possibility of a new or different kind of accident from any accident previously analyzed?

The proposed changes in ECCS surveillance test flow requirements do not introduce new features into the Plant such that a new or different type of accident or malfunction is created. The results of the previously analyzed FSAR Chapter 6 and 15 accidents and transients envelope the conditions and loads which could arise due to operation of CCP or SIP systems consistent with the proposed Technical Specification changes. No new failure mode or limiting single failure is created as a result of these changes. Therefore, this change does not create the possibility of a new or different kind of accident from any previously analyzed.

3. Does the proposed license change involve a significant reduction in a margin of safety?

The changes do not adversely affect the margin of safety as defined in the Bases of the TTS. The change to the maximum SIP flowrate is not a reduction to the margin of safety since the maximum flow is within vendor recommended limits. In summary, the margin of safety with respect to Plant safety as potentially affected by the proposed increase in the Technical Specification ECCS surveillance test range is provided, in part, by the safety factors included in the design of the pumps and by the conservatism inherent in the accident analysis acceptance criteria (peak clad temperature, minimum DNBR, etc.).

With respect to FSAR Section 6.2, the Containment integrity analyses considered in the licensing basis, the conclusion derived from the evaluation is that the acceptance criteria continue to be met with the revised ECCS performance characteristics.

Therefore, the margin of safety as defined in the basis of any Technical Specification is not significantly reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Attorney for licensees: Leonard A. Girard, Esq., Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204

NRR Project Director: James E. Dyer

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego, New York

Date of amendment request: May 30, 1990 and supplemented on April 18, 1991.

Description of amendment request: The proposed amendment would update two tables to reflect the installation of new post-accident monitoring instrumentation. Instruments installed to satisfy the requirements of Regulatory Guide 1.97 would be added to Table 3.2-8, "Accident Monitoring Instrumentation," and to Table 4.2-8, "Minimum Test and Calibration Frequency for Accident Monitoring Instrumentation." In addition, Table 3.2-6, "Surveillance Instrumentation," Table 4.2-6, "Minimum Test and Calibration Frequency for Surveillance Instrumentation," and Table 4.7-1, "Minimum Test and Calibration Frequency for Containment Monitoring Systems," would be deleted, since the function and requirements of the old instrumentation are effectively superseded by the new, more qualified instrumentation included in the revised Tables 3.2-8 and 4.2-8. Deletion of these tables would also result in deletion of Specifications 3.2.F and 4.2.F which refer to Tables 3.2-6 and 4.2-6, respectively. Three Table 3.2-6 plant parameters will continue to be monitored in the revised Table 3.2-8. These parameters are narrow range torus water level, drywell-torus differential pressure, and safety/relief valve (SRV) position indication. Narrow range torus water level instrumentation is used to meet the water level requirements of Specifications 3.7.A.1.a and b and the surveillance requirement of Specification 4.7.A.1. Since this instrumentation does not monitor a Regulatory Guide (RG) 1.97 Category A variable, a reference is made to the new note "G." This instrument, although not a "post-accident monitoring" instrument, is being retained because it is part of the "Mark I Containment Short Term Improvement" instrumentation. Drywell-Torus differential pressure (dp) instrumentation is used to meet the dp requirement of Specification 3.7.A.7 and

the surveillance requirement of Specification 4.7.A.7. Since this instrumentation does not monitor a RG 1.97 Category A variable, a reference is made to the new note "G." This instrument is also being retained because it is part of the "Mark I Containment Short Term Improvement" instrumentation. The SRV position indication instrumentation was added to Tables 3.2-6 and 4.2-6 in Amendment No. 57 to the Technical Specifications (TSs) to incorporate certain of the TMI-2 "Lessons Learned Category 'A'" requirements of NUREG-0578. Therefore, this item and its associated notes and surveillance requirements will be retained and relocated to the revised Tables 3.2-8 and 4.2-8.

Three Table 3.2-6 plant parameters will not be monitored in the revised Table 3.2-8. These parameters, narrow range reactor water level, control rod position indication, and neutron monitoring have alternate requirements which will assure that the instrumentation remains operable. Narrow range reactor water level instrumentation is used during plant operations for proper operation of the feedwater control system. Reactor water level indication is also provided by the overlapping range of the RG 1.97 wide range reactor water level instrumentation as required by Table 3.2-8. Control rod position indication is required by TS 3.3.A.2.d as a condition for control rod operability. This instrument check is being retained in a new TS 4.3.A.2.f. The frequency of this surveillance is being changed to once/day to be consistent with the Standard Technical Specifications. Neutron monitoring instrumentation operability requirements are specified in Table 3.1-1, Table 3.2-3, and TS 3.3.B.4.

One of the existing Table 3.2-8 plant parameters will be removed from the revised table. This parameter, drywell water level, is not a RG 1.97 Category A variable and, therefore, should not be included in Table 3.2-8.

The applicable instrument ranges are no longer included in TS Table 3.2-8. Commitments made by the licensee with regard to implementation of RG 1.97 and Generic Letter 83-36 assure that the Table 3.2-8 plant parameters will continue to be measured and indicated in the control room to the full range as reviewed and approved by the NRC. This change is consistent with the Standard Technical Specifications.

The proposed change would also modify Action A of Table 3.2-8 to no longer permit the use of alternate monitoring methods when the number of operable instrument channels are less than the required minimum. Other proposed changes are administrative in nature.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Operation of the FitzPatrick plant in accordance with the proposed Amendment would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

1. involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes reflect the installation of new control room instrumentation. This new instrumentation has no automatic control functions and cannot initiate any type of plant transient or accident. This instrumentation provides a highly reliable and environmentally qualified source of vital plant information in the control room. The changes ensure that instrumentation that would be necessary to mitigate accident conditions will be available in the control room. Requirements for instrument operability and surveillance cannot increase in the probability or consequences of a previously evaluated accident.

2. create the possibility of a new or different kind of accident from any accident previously evaluated.

As stated above, the proposed changes reflect the installation of new control room instrumentation which have no automatic control functions. This modification to the plant cannot initiate or contribute to any new or different kind of accident from any accident previously evaluated.

3. involve a significant reduction in a margin of safety.

The proposed change provides operability and surveillance requirements for instrumentation qualified for post-accident seismic and environmental conditions. This provides a greater assurance that control room operators will have access to vital plant information under accident conditions. This represents an increase in the level of protection provided by the FitzPatrick plant. The operability and surveillance requirements for the new instrumentation are consistent with those previously approved for post-accident instrumentation at the FitzPatrick plant. Instrumentation deleted as part of these changes have other Technical Specification requirements which assure their operability or do not fulfill a safety-related function. The proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: State University of New York, Penfield Library, Reference and Documents Department, Oswego, New York 13126.

Attorney for licensee: Mr. Charles M. Pratt, 1633 Broadway, New York, New York 10019.

NRC Project Director: Robert A. Capra

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of amendment request: June 3, 1991

Description of amendment request: The proposed change would relocate the procedural details of the Radiological Effluent Technical Specifications (RETS) to the Offsite Dose Calculation Manual (ODCM) and relocate the procedural details for solid radioactive wastes to the Process Control Program (PCP). This request is in accordance with Generic Letter 89-01.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below.

The licensee has determined that the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of any accident previously evaluated because no plant equipment has been changed. The proposed [Technical Specification] TS change does not reduce the level of radiological effluent control. It will provide programmatic controls for RETS consistent with regulatory requirements and allow relocation of the procedural details of the current RETS to the ODCM and PCP. These procedural details are not required to be in the TS by 10CFR50.36a. Future changes to these procedural details will be controlled by the ODCM and PCP Administrative Controls sections of the TS.

Records of reviews performed for changes made to the ODCM and PCP will be documented and retained for the duration of the operating license. Therefore, it is concluded that operation of the facility in accordance with this proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously evaluated. This proposed amendment does not modify the configuration of the facility or its mode of operation. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any previously identified.

3. Involve a significant reduction in a margin of safety. The proposed change does

not affect the operation of the facility nor modify any method of radiological effluent monitoring or analysis. Therefore, it is concluded that operation of the facility in accordance with this proposed change will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis; and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180

Attorney for licensee: Randolph R. Mahan, South Carolina Electric & Gas Company, P.O. Box 764, Columbia, South Carolina 29218

NRC Acting Project Director: Anthony J. Mendiola

Tennessee Valley Authority, Docket No. 50-327, Sequoyah Nuclear Plant, Unit 1, Hamilton County, Tennessee

Date of amendment request: May 24, 1991 (TS 91-04)

Description of amendment request: The proposed amendment would lower the steam generator low-low water level trip setpoints associated with the Reactor Trip System and the Engineered Safety Features Actuation System specified in the Technical Specifications (TS) for the Sequoyah Nuclear Plant, Unit 1. The proposed setpoint changes reflect the improved instrument accuracy resulting from replacement of the present unmodified Barton level transmitters with modified level transmitters. This improved accuracy results from modifications made to them by the manufacturer which eliminates errors associated with environmental heatup and subsequent cooling of the reference legs. This change will occur during the 1991 refueling outage.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

TVA has evaluated the proposed technical specification (TS) change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c).

Operation of Sequoyah Nuclear Plant in accordance with the proposed amendent will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The modified transmitters are the same model as the existing transmitters but have been modified to provide increased accuracy under thermal heatup and cooldown evolutions to improve repeatability. They perform the same function in the same manner with only the accuracy being improved to ensure identification of an accident condition with the revised setpoints. This will provide accident mitigation initiations at the appropriate time to limit the consequences of the event as assumed in the safety analysis. These transmitters are not a device that could create an accident, but instead identify conditions associated with an accident to initiate logic for accident migitation. Therefore, the installation of the modified steam generator level transmitters and revision of the steam generator lo-lo level trip setpoints will not increase the probability or consequences of an accident.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

The steam generator level transmitters and associated trip setpoints are not a source for any accident. They provide actuation of mitigation logic for specific accident parameters. Therefore, this change cannot create any new or different kind of accident.

3. Involve a significant reduction in a margin of safety.

The reduction in the steam generator lo-lo level trip setpoints is the result of the improved accuracy of the modified steam generator level transmitters. This improved accuracy allows the use of a lower setpoint and still maintains the same level of confidence of accident condition identification without reducing the existing margin of safety. This is accomplished by only reducing the instrument inaccuracy values and not the margin of safety limits to allow the lower setpoints. Therefore, there is no reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Project Director: Frederick J. Hebdon

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: May 24, 1991 (TS 91-06)

Description of amendment request: The proposed amendment would revise the visual snubber inspection schedule described in the Technical Specifications (TS) for Sequoyah Nuclear Plant, Units 1 and 2, in accordance with Generic Letter 90-09, "Alternative Requirements for Snubber Visual Inspection Intervals and Corrective Actions," issued December 11, 1990; delete the 50 percent drag force limits from the acceptance criteria for snubber functional tests in Specification 4.7.9.e.3; delete the requirement in the Bases Section relating to Plant Operations Review Committee approval of changes to the snubber accessibility list; and incorporate certain other related terminology changes related to this issue.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

TVA has evaluated the proposed technical specification (TS) changes and has determined that they do not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed wording changes to [Surveillance Requirement] SR 4.7.9.a resulted from a need for clearer definition of the snubber visual and functional testing program. The proposed change to SR 4.7.9.e.3 does not involve a significant increase in the probability or consequences of an accident previously evaluated. This SR addresses the operability of a snubber. During the functional test, the mechanical snubber may display an increase of 50 percent or more in drag force and still remain within its design limits. This increase in drag force for mechanical snubbers displays a trend. This trending is addressed in SR 4.7.9.i where the approach to "end of service life" is required to be tabulated and reviewed.

The proposed schedule for visual inspection of snubbers was developed by NRC and published in Generic Letter (GL) 90-09, "Alternative Requirements For Snubber Visual Inspection Intervals and Corrective Actions." The operability of snubbers is predominately determined by functional testing for which SQN has an approved program. Based upon the Brookhaven National Laboratory report reviewed by NRC, very few snubbers were found inoperable because of the visual inspection; and accordingly, NRC justified a revised schedule for visual inspections. Since the testing program and inspection still provide the appropriate confidence level of operability, there is no significant increase in the probability or consequences of an accident previously analyzed.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

Based upon GL 90-90, NRC has addressed these proposed changes to the visual inspection program, and the confidence level for operability remains the same.

Additionally, the other changes in the SRs do not affect operability. These changes do not alter any plant operations, maintenance requirement, or system design or functions. Therefore, no new or different accidents are created from the proposed change.

3. Involve a significant reduction in a margin of safety.

The proposed change in the visual inspection program for snubbers does not make modifications to the plant or revise its mode of operation or the present safety analysis. As previously described with the proposed changes to the SRs, the confidence level for snubber operability remains the same; therefore, there is no significant reduction in any safety margin.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Project Director: Frederick J. Hebdon

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: May 31, 1991

Description of amendment request: The amendment would revise Technical Specification 5.3.1, "Fuel Assemblies," to allow the removal of defective fuel rods or the replacement of defective fuel rods with stainless steel or zircaloy filler rods.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The staff's review is presented below:

1. The proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated because approved methodologies will be used to determine core performance and accident response. Core performance and accident response will be bounded by the cycle-specific reload analysis which will assure that there is no significant increase in the radiological consequences of previously evaluated accidents.

2.The proposed change will not create the possibility of a new or different kind of accident from any previously evaluated accident because fuel performance parameters are not being changed, and because Technical Specifications concerning the nuclear heat flux hot channel factor, the nuclear enthalpy rise hot channel factor, the quadrant power tilt, and the departure from nucleate boiling parameters are not being changed.

3.The proposed change will not involve a significant reduction in a margin of safety because the removal or replacement of defective fuel rods will be bounded by cycle specific reload analysis using approved methodologies. Therefore, conformance to existing design criteria and safety analysis limits will be confirmed for modified fuel assemblies.

Based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: John N. Hannon

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: June 4, 1991

Description of amendment request: The amendment would remove from Technical Specifications operability requirements for decay heat isolation valve interlock channels and pressurizer heater interlock channels in Modes 4 (hot shutdown) and 5 (cold shutdown).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

Toledo Edison had reviewed the proposed change and determined that a significant hazards consideration does not exist because operation of the Davis-Besse Nuclear Power Station, Unit 1, in accordance with these changes would:

1a. Not involve a significant increase in the probability of an accident previously evaluated because the same level of

protection is being provided as before.

1b. Not involve a significant increase in the consequences of an accident previously evaluated because the plant response to an overpressure condition will be unchanged.

2a. Not create the possibility of a new kind of accident from an accident previously evaluated because no new failure modes are introduced, and therefore, no new accident scenarios can be postulated.

2b. Not create the possibility of a different kind of accident from any accident previously evaluated because there are no different accidents postulated from those previously evaluated.

3. Not involve a significant reduction in a margin of safety since the overpressure protection of the DHR system and the RCS will be preserved.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: John N. Hannon

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendments request: July 31, 1990

Description of amendments request: The licensee proposed amending Technical Specification 15.4.1, OPERATIONAL SAFETY REVIEW, by revising Table 15.4.1-1, Minimum Frequencies for Checks, Calibrations, and Test of Instrument Channels. Specifically the requirements for Channel Number 11, Steam Generator Level, would be changed by adding a remark that the requirement includes a monthly test of logic for high steam generator level.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The staff's review is presented below:

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because the change is limited to adding a testing requirement to an instrument channel. The testing of the instrument channels does not enter into the postulation of accident scenarios.

The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated because, again, the change is limited to adding a testing requirement and the testing requirements do not enter into the postulation of accident scenarios.

The proposed change does not involve a significant reduction in a margin of safety because the addition of the test to the Technical Specifications increases the reliability of the instrumentation channel. The licensee has stated that its existing testing program includes the logic test. However it acknowledges that including the requirement in the Technical Specifications adds assurance that the testing will be done.

Based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037.

NRC Project Director: John N. Hannon.

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendments request: September 7, 1990, as supplemented May 10, 1991.

Description of amendments request: The licensee proposes amending Technical Specification Section 15.3.7, AUXILIARY ELECTRICAL SYSTEMS, to incorporate reference to a fifth station battery which is being added. The amendments would require that under normal conditions four of the five safety-related station batteries be operable in lieu of the existing requirement that all four batteries be operable before a reactor is made critical. The amendments would also require that all four of the main DC distribution systems be operable in lieu of the more general existing requirement that the DC systems associated with the four batteries be operable. The licensee would make similar revisions to the requirements for making one reactor critical under abnormal conditions.

The amendments would add specific reference to the four DC main distribution buses D01, D02, D03, and D04. They would eliminate reference to black plant startup as a specific example of an abnormal condition since the inclusion of an example is superfluous and the example is not well defined.

The proposed amendments would allow one of the four connected safety-related batteries to be inoperable for 24 hours under specified conditions in lieu of existing provisions for having one battery inoperable.

The licensee would also amend Technical Specification 15.4.6, EMERGENCY POWER SYSTEM PERIODIC TESTS, by changing the testing requirements for safety-related station batteries. Extensive testing requirements would be added. The testing provisions would only apply to safety-related station batteries.

The corresponding bases sections of the Technical Specifications would be revised to incorporate the revised configuration of the station batteries.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The staff's review is presented below:

The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated because four safety-related batteries were already part of the plant design. The changes are the result of the decision to add one more safety-related battery. The number of batteries required to be operable will not change. Furthermore, the licensee has indicated its intention to add a nonsafety-related battery which would carry the nonsafety-related loads currently being carried by the safety-related batteries. The nonsafety loads do not enter into the postulation of accident scenarios. The nonsafety-related battery would not be subject to the same operability and testing requirements as the safety-related battery.

The revisions to the testing program do not affect accidents previously evaluated because testing procedures do not enter into the postulation of accident scenarios.

Similarly, the changes to the basis and the deletion of the reference to black plant startup do not have any bearing on accidents or on margins of safety.

The proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated because the underlying design basis of the auxiliary electrical system has not effectively changed. Four safety-related batteries are still required. The proposed amendments provide some flexibility in implementing the design basis.

The proposed changes do not involve a significant reduction in a margin of safety but instead "... the addition of the new fifth battery will actually increase margins of safety by providing additional stored electrical energy for operation of plant DC electrical loads in the event of loss of normal and emergency AC electrical service."

The more stringent testing requirements being added should also contribute to an increase in the margin of safety because the testing should increase the reliability of the battery system.

Based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037.

NRC Project Director: John N. Hannon.

Previously Published Notices of Consideration of Issuance of Amendments To Operating LIcenses and Proposed No Sifnificant Hazards Consideration Determination and Opportunity for Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and

page cited. This notice does not extend the notice period of the original notice.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: November 29, 1990; as supplemented January 29 and March 6, 1991; and as revised March 29, 1991

Description of amendment request: The proposed amendments would change the Technical Specifications (TSs) to reflect a planned modification to the method of measuring reactor coolant system (RCS) delta temperature (DT). The current method uses resistance temperature detectors (RTDs) located in a bypass manifold to provide signals for the Overtemperature DT and Overpower DT reactor trip instrumentation. The modification would eliminate the bypass manifold and locate fast-response RTDs in thermowells directly in the hot and cold legs of the RCS loops to provide these signals.

Specifically, the definition of DT in Notes 1 (Overtemperature DT) and 3 (Overpower DT) of TS Table 2.2-1 would be revised to delete the phrase "by RTD Manifold Instrumentation." Additionally, footnote 12 of TS Table 4.3-1, which states that channel calibration of Overtemperature DT instrumentation shall include the RTD bypass loops flow rate, would be deleted. Because Vogtle Units 1 and 2 share a common TS document and the planned modifications are to occur at different times, the TS changes would be expressed both before and after the modification and annotated as needed for each Vogtle unit based upon modification status.

Other changes in the licensee's amendment requests have been previously noticed and are outside the scope of this notice. Date of publication of individual notice in **Federal Register:** May 28, 1991 (56 FR 24101)

Expiration date of individual notice: June 27, 1991

Local Public Document Room location: Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830.

Iowa Electric Light and Power Company, et al., Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: December 14, 1990

Brief description of amendment request: The amendment would revise the Technical Specification (TSs) to eliminate conditional surveillances for the Emergency Core Cooling (ECCS), Reactor Core Isolation Cooling, (RCIC), Standby Liquid Control, (SLCS) and Standby Gas Treatment Systems (SGTS). Alternate methods of verifying operability of redundant trains of those systems would be included in revised surveillance requirements, consistent with Standard Technical Specifications. The proposed changes would also add new surveillance requirements for some plant instrumentation and would clarify the operability requirements for containment spray. Date of individual notice in **Federal Register:** June 13, 1991 (56 FR 27275)

Expiration date of individual notice: July 15, 1991

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Notice of Issuance of Amendment To Facility Operating License

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Projects.

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: June 16, 1988, as supplemented on December 4, 1989.

Brief description of amendments: The amendments provide two changes to the Technical Specifications (TSs). TSs 4.6.2.1.a.2, which requires verificaton that the valves in the Containment Spray System flow path are positioned to take suction from the refueling water tank upon receipt of a containment pressure high test signal, is changed. The change excludes those valves in the flow path which are locked, sealed, or otherwise secured in position from the verification requirement. The second change is TSs 4.7.11.1.2.c which provides surveillance requirements to demonstrate the operability of the fire pump diesel engine. The change removes the requirement to perform the surveillance when the reactors are shut down, thus allowing the surveillance to be performed in the specified time interval regardless of the operating status of the reactor units.

Date of issuance: June 10, 1991

Effective date: June 10, 1991

Amendment Nos.: 154 and 134

Facility Operating License Nos. DPR-53 and DPR-69. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 24, 1990 (55 FR 2431) The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated June 10, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Carolina Power & Light Company, et al., Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendments: February 11, 1991 as supplemented on May 10, 1991.

Brief Description of amendments: The amendments change the Technical Specifications (TS) to (1) consolidate the Shift Operating Supervisor (SOS) and the Shift Supervisor positions as a single Senior Reactor Operator (SRO) entry in the TS table 6.2.2-1 and replaces TS references to SOS with references to the Shift Supervisor; increase the number of SROs in TS table 6.2.2-1 from one to two to reflect the consolidation of the SOS and Shift Supervisor positions; add references for the new positions of the Operations Manager - Unit 1 and Operations Manager - Unit 2, and (2) add the requirement that the Manager-Operations hold, or have held, an SRO license for either the Brunswick Plant or a similar unit, and (3) add a one-time, 18 month exception to the requirement for the Manager-Operations to hold, or have held, an SRO license for either the Brunswick Plant or a similar unit.

Date of issuance: June 13, 1991.

Effective date: June 13, 1991.

Amendment Nos.: 153 and 183

Facility Operating License Nos. DPR-71 and DPR-62. Amendments revise the Technical Specifications.

Date of initial notice in **Federal Register:** April 3, 1991 (56 FR 13659). The May 10, 1991, letter renamed the Shift Foreman to the new title Shift Supervisor with functional responsibilities and reporting relationships remaining unchanged, provided clarifying information and a typographical correction that did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 13, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut

Date of application for amendment: October 1, 1990, as supplemented January 31, 1991.

Brief description of amendment: The amendment adds an action statement to Technical Specification Section 3.1.3.1, "Movable Control Assemblies, Bank Height" to address the situation where there is a failure in the rod control system causing more than one control rod to be inoperable, but all the control rods remain trippable.

Date of Issuance: June 12, 1991

Effective date: June 12, 1991

Amendment No.: 137

Facility Operating License No. DPR-61. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 20, 1991 (56 FR 6870) The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated June 12, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: January 9, 1991

Brief description of amendments: The amendments revise the Technical Specifications to reflect fuel reloading for Catawba Unit 1's Cycle 6 operation with fuel manufactured by the B&W Fuel Company and to continue to reflect the previously existing Technical Specifications for Unit 2 fuel.

Date of issuance: May 31, 1991

Effective date: May 31, 1991

Amendment Nos.: 86, 80

Facility Operating License Nos. NPF-35 and NPF-52: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 1, 1991 (56 FR 20031) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 31, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: February 5, 1991

Brief description of amendments: The amendments modify the operating licenses to allow an extension of time for resolution of the accumulator tank instrumentation issue.

Date of issuance: June 4, 1991

Effective date: June 4, 1991

Amendment Nos.: 87, 81

Facility Operating License Nos. NPF-35 and NPF-52: Amendments revised conditions to the facility operating licenses.

Date of initial notice in **Federal Register:** May 1, 1991 (56 FR 20033) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 4, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: February 7, 1990, as supplemented May 7, 1990.

Brief description of amendments: The amendments respond to NRC Generic Letter 89-01 by relocating the Radiological Effluent Technical Specifications to therespective sections of Chapter 16 of the Final Safety Analysis Report, "Selected Licensee Commitment (SLC) Manual."

Date of issuance: May 22, 1991

Effective date: May 22, 1991

Amendment Nos.: 119, 101

Facility Operating License Nos. NPF-9 and NPF-17: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 22, 1990 (55 FR 34367) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 22, 1991

No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223

Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: June 4, 1990 and supplemented by letters dated February 13, 1991, April 11, 1991, and May 2, 1991.

Brief description of amendment: The amendment revised Technical Specifications 4.0.5, 3.4.3.1, and 3.4.3.2 regarding inservice inspection, leak detection, and actions to be taken when leakage limits are exceeded. The changes are based on guidance provided in Generic Letter 88-01, "NRC Position on IGSCC in BWR Austenitic Stainless

Steel Piping." Additionally, two editorial changes were made which deleted references to the first refueling outage which has already been completed.

Date of issuance: May 31, 1991

Effective date: May 31, 1991, to be implemented within 60 days of issuance.

Amendment No: 57

Facility Operating License No. NPF-47. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 3, 1991 (56 FR 13664). The April 11, 1991, and May 2, 1991, submittals provided additional clarifying information and did not change the initial no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 31, 1991

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: March 12, 1991

Brief description of amendment: The amendment adds an action to Technical Specification 3.6.2.3 which permits plant personnel to enter the drywell for maintenance work with the plant in Operational Condition 3 rather than cold shutdown when one of the drywell air lock door seals is inoperable. Entry into the drywell requires that the operable air lock door be open for approximately three minutes as personnel enter and exit, allowing the leakage through the inoperable seals to bypass the drywell. The amendment also stipulates that the operable door be locked closed after each entry and exit and that a designated person ensure that both doors in the air lock are not open simultaneously.

Date of issuance: June 3, 1991

Effective date: June 3, 1991

Amendment No.:

Amendment No. 58

Facility Operating License No. NPF-47. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 1, 1991 (56 FR 20040) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 3, 1991

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

Niagara Mohawk Power Corporation, Docket Nos. 50-220, and 50-410, Nine Mile Point Nuclear Station, Unit Nos. 1 and 2, Oswego County, New York

Dates of applications for amendments: March 13, 1991

Brief description of amendments: The amendments revise Technical Specification Section 6.0, Administrative Controls, to reflect changes which replace the current Manager Health Physics by a Manager Radiation Protection for each unit. These changes are consistent with the management changes approved in License Amendments Nos. 120 and 25 issued on December 31, 1990, which approved unitized management organizations for each of the Nine Mile Point units.

Date of issuance: June 6, 1991

Effective date: June 6, 1991

Amendment Nos.: 124 and 32

Facility Operating License Nos. DPR-63 and NPF-69: Amendments revise the Technical Specifications.

Date of initial notice in **Federal Register:** May 1, 1991 (56 FR 20041) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 6, 1991

No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Niagara Mohawk Power Corporation, Docket No. 50-220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of application for amendment: May 26, 1989, as amended January 5, 1990.

Brief description of amendment: The amendment revises Technical Specification Figure 3.4.1 to correct errors of omission in the labeling of the graph on the figure. The revisions to Figure 3.4.1 clarify that Reactor building pressures specified thereon are actually differential pressures.

Date of issuance: June 10, 1991

Effective date: June 10, 1991

Amendment No.: 125

Facility Operating License No. DPR-63: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** May 1, 1991 (56 FR 20041) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 10, 1991

No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Northeast Nuclear Energy Company, Docket No. 50-245, Millstone Nuclear Power Station, Unit 1, New London County, Connecticut

Date of application for amendment: November 19, 1990 and January 24, 1991, as supplemented March 1, 1991.

Brief description of amendment: The amendment changes the Millstone Unit 1 Technical Specifications (TS) as follows:

- A change to the Minimum Critical Power Ratio (MCPR) Safety Limit from 1.04 to 1.07.
- Addition of a definition for LIMITING CONTROL ROD PATTERN.
- Redefinition of the applicability of Thermal Limits and associated action.
- Revision of Section 3/4.11, "Power Distribution Limits".
- Inclusion of the limiting value of linear heat generation rate (LHGR) in the TS.
- Revision to K_f curves in TS Figure 3.11.1.

Date of issuance: June 11, 1991

Effective date: June 11, 1991

Amendment No.: 54

Facility Operating License No. DPR-21. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 20, 1991 (56 FR 6876) The March 1, 1991 submittal provided additional clarifying information and did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 11, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application amendments: July 17, 1990

Brief description of amendments: These amendments revise the combined Technical Specifications for the Diablo Canyon Power Plant Unit Nos. 1 and 2 to increase the surveillance test intervals, allowed outage times, and channel bypass times for certain of the

instrumentation in the Reactor Trip System and Engineered Safety Features Actuation System. The changes are based on generic analyses performed as part of a Westinghouse Owners Group program.

Date of issuance: May 23, 1991

Effective date: May 23, 1991

Amendment Nos.: 61 and 60

Facility Operating License Nos. DPR-80 and DPR-82: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 14, 1990 (55 FR 47573) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 23, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407

Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: January 18, 1991

Brief description of amendments: The amendments revised technical specification 4.1.4.1 such that while in Operational Condition 1 when reducing Thermal Power the selection error for an out-of-sequence control rod is demonstrated within one hour after reaching the low power setpoint (LPSP). Other changes included in the amendments are editorial in nature to provide a clear format and to clarify that "RWM automatic initiation" is defined to be that point in time when the LPSP [low power setpoint] is reached.

Date of issuance: June 6, 1991

Effective date: 30 days after date of issuance

Amendment Nos.: 109 and 78

Facility Operating License Nos. NPF-14 and NPF-22. These amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 3, 1991 (56 FR 13668) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 6, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: August 3, 1987, as supplemented August 10, 1990, August 21, 1990, and May 22, 1991.

Brief description of amendments: These amendments extend the expiration date for the Salem Unit 1 Operating License from September 25, 2008 to August 13, 2016 and for the Salem Unit 2 Operating License from September 25, 2008 to April 18, 2020. The original date is 40 years from the date of issuance of the Construction Permit. The revised date is 40 years from the date of issuance of the Operating License.

Date of issuance: June 5, 1991

Effective date: As of the date of issuance.

Amendment Nos. 125 and 104

Facility Operating License Nos. DPR-70 and DPR-75. These amendments revised the License.

Date of initial notice in **Federal Register:** December 27, 1989 (54 FR 53210) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 5, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079

Rochester Gas and Electric Corporation, Docket No. 50-244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of application for amendment: February 15, 1991.

Brief description of amendment: This amendment revises the technical specifications to renumber the radiation monitor from R-20 to R-20A, to add radiation monitor R-20B to Tables 3.5-5 and 4.1-5 as item l.g, and to add a triple asterik (***) to R-14A to indicate that Table 3.5-6 is also applicable.

Date of issuance: June 4, 1991

Effective date: June 4, 1991

Amendment No.: 43

Facility Operating License No. DPR-18: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 1, 1991 (56 FR 20044). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 4, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of application for amendment: February 4, 1991, as supplemented March 27, 1991.

Brief description of amendment: The amendment changes the Technical Specifications to separate the loss of offsite power (LOOP) test from the 24-hour load test in order to obtain more flexible outage scheduling and to avoid unnecessary cycling of the emergency diesel generator (EDG). The hot restart capability of the EDG would still be demonstrated by bringing the EDG to a full-load stabilized operating temperature before initiating the LOOP test.

Date of issuance: June 5, 1991

Effective date: June 5, 1991

Amendment No.: 99

Facility Operating License No. NPF-12. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** March 6, 1991 (56 FR 9385) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 5, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of application for amendments: April 8, 1991

Brief description of amendments: The amendments revise Surveillance Requirement 4.6.1.2.a and the associated Bases to permit the third Type A test of each 10-year inservice interval to be conducted during a separate plant outage from the 10-year plant Inservice Inspection.

Date of issuance: June 3, 1991

Effective date: June 3, 1991

Amendment Nos.: Unit 2, 93, Unit 3, 83

Facility Operating License Nos. NPF-10 and NPF-15: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 1, 1991 (56 FR 20045) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 3, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of application for amendments: April 8, 1991

Brief description of amendments: These amendments provide NRC staff approval to revise the Updated Final Safety Analysis Report to allow the shutdown cooling (SDC) system to be used as a primary means of cooling the spent fuel pool. This changes the use of the SDC system as a credited backup system when available, to an alternate means of spent fuel pool cooling. This change is needed to allow systems that normally provide cooling for the spent fuel pool to be removed from service for maintenance activities. The shutdown cooling system will not be used as the primary means of spent fuel pool cooling when Technical Specifications require the shutdown cooling system to be operable for cooling the reactor core.

Date of issuance: June 3, 1991

Effective date: June 3, 1991

Amendment Nos.: Unit 2: 94; Unit 3: 84

Facility Operating License Nos. NPF-10 and NPF-15: Amendments provides NRC staff approval of a proposed revision of the Updated Final Safety Analysis Report description to allow the shutdown cooling system to be used as an alternate means of cooling the spent fuel pool. The amendment does not involve a change to the Technical Specifications or License Conditions.

Date of initial notice in **Federal Register:** May 1, 1991 (56 FR 20045) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 3, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: November 30, 1990, and December 19, 1990

Brief description of amendment: The amendment revised the main steam low pressure block permit setpoint and the steam pressure setpoint where the block permit is automatically removed.

Date of issuance: June 4, 1991

Effective date: June 4, 1991

Amendment No. 157

Facility Operating License No. NPF-3. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 6, 1991 (56 FR 9367) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 4, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Virginia Electric and Power Company, et al., Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: March 18, 1991

Brief description of amendments: The amendments revise the NA-1&2 TS by correcting certain administrative errors.

Date of issuance: June 4, 1991

Effective date: June 4, 1991

Amendment Nos.: 145, 129

Facility Operating License Nos. NPF-4 and NPF-7. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 17, 1991 (56 FR 15645) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 4, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

Washington Public Power Supply System, Docket No. 50-397, Nuclear Project No. 2, Benton County, Washington

Date of application amendment: February 28, 1991, as supplemented by letters dated March 21, 1991 and April 26, 1991.

Brief description of amendment: The amendment modifies the facility minimum critical power ratio safety limit and associated bases to reflect cycle specific safety analyses resulting from use of a new reload methodology and effects of channel box bow phenomena.

Date of issuance: June 3, 1991

Effective date: June 3, 1991

Amendment No.: 92

Facility Operating License No. NPF-21: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 3, 1991 (56 FR 13671) Letters dated March 21, 1991 and April 26, 1991, provide supplemental information which did not alter the staff's initial determination of no significant hazards consideration. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 3, 1991.

No significant hazards consideration comments requested: No.

Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington 99352

Washington Public Power Supply System, Docket No. 50-397, Nuclear Project No. 2, Benton County, Washington

Date of application amendment: August 2, 1990 and as amended by letters dated February 25, April 19, May 6 and May 20, 1991.

Brief description of amendment: The amendment removes values for cycle specific parameter limits which change with each core reload from the Technical Specifications as discussed in Generic Letter 88-16, "Removal of Cycle Specific Parameter Limits from Technical Specifications," and transfers the cycle specific parameter limits to the Core Operating Limits Report (COLR). The COLR will be developed for each operating cycle.

Date of issuance: June 4, 1991

Effective date: June 4, 1991

Amendment No.: 94

Facility Operating License No. NPF-21: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 20, 1991 (56 FR 6883) The February 25, April 19, May 6 and May 20, 1991, letters provided clarifying information that did not change the scope of the proposed amendment and did not affect the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 4, 1991.

No significant hazards consideration comments requested: No.

Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington 99352

Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: March 5, 1991

Brief description of amendment: The amendment revises Technical Specification 4.7.8 to incorporate an alternative snubber visual inspection schedule as provided by Generic Letter 90-09, "Alternative Requirements for Snubber Visual Inspection Intervals and Corrective Actions." This line item improvement is consistent with the Commission's Policy Statement on technical specification improvements.

Date of Issuance: May 31, 1991

Effective date: May 31, 1991

Amendment No: 44

Facility Operating License No. NPF-42. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: April 3, 1991 (56 FR 13672) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 31, 1991

No significant hazards consideration comments received: No.

Local Public Document Room Locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621

Notice of Issuance of Amendment to Facility Operating License and Final Determination of No Significant Hazards Consideration and Opportunity For Hearing (Exigent or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing. For exigent circumstances, the Commission has either issued a Federal Register notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Projects.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By July 26, 1991, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene.

Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to

which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room for the particular facility involved.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to **(Project Director):** petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Alabama Power Company, Docket No. 50-348, Joseph M. Farley Nuclear Plant, Unit 1, Houston County, Alabama.

Date of application for amendment: May 17, 1991.

Brief description of amendment: The amendment revises Technical Specification Table 3.3-5, "Engineered Safety Features Response Times." The change increases the engineered safety features response time for steam line isolation on high steam flow in two steam lines coincident with T-average low-low from the current value of less than or equal to 9 seconds to less than or equal to 11 seconds.

Date of issuance: June 4, 1991

Effective date: June 4, 1991

Amendment No. 89

Facility Operating License No. NPF-2: Amendment revises the Technical Specifications. Public comments requested as to proposed no significant hazard consideration: No. The Commission's related evaluation of the amendment finding of emergency circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated June 4, 1991.

Attorney for licensee: Mr. James H. Miller, III, Esq., Balch and Bingham, P.O. Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201.

Local Public Document Room location: Houston-Love Memorial Library, 212 W. Burdeshaw Street, P. O. Box 1369, Dothan, Alabama 36302

NRC Acting Project Director: Anthony J. Mendiola

Dated at Rockville, Maryland, this 26th day of June, 1991.

For the Nuclear Regulatory Commission

Steven A. Varga,

Director, Division of Reactor Projects - I/II, Office of Nuclear Reactor Regulation

[Doc. 91-15091 Filed 6-25-91; 8:45 am]

BILLING CODE 7590-01-D

[Docket No. 50-324]

Carolina Power & Light Co.; Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Carolina Power & Light Company (the licensee) to withdraw its March 26, 1991, application for proposed amendment to Facility Operating License No. DPR-62 for the Brunswick Steam Electric Plant, Unit 2, located in Brunswick County, North Carolina.

The amendment would have revised the Technical Specifications (TS) to allow a one-time only extension of the 18-month interval for certain surveillance requirements associated with the emergency core cooling system actuation instrumentation and service water system.

For further details with respect to this action, see the application for amendment dated March 26, 1991, and the licensee's letter dated April 8, 1991, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

Dated at Rockville, Maryland this 17th day of June, 1991.

For the Nuclear Regulatory Commission.

Ngoc B. Le,

Project Manager, Project Directorate II–1, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91–15193 Filed 6–25–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–324]

Carolina Power & Light Co.; Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Carolina Power & Light Company (the licensee) to withdraw its February 19, 1991, applications for proposed amendment to Facility Operating License No DPR–62 for the Brunswick Steam Electric Plant, Unit 2, located in Brunswick County, North Carolina.

The amendment would have revised the Technical Specifications (TS) pertaining to the surveillance intervals for the 125 volt batteries and chargers to allow a one-time only extension of the surveillances associated with TS 4.8.2.3.2.c and 4.8.2.3.2.d to the end of the Reload 9 outage.

The Commission had previoously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on March 20, 1991, (56 FR 11773). However, by letter dated April 8, 1991, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated February 19, 1991, and the licensee's letter dated April 8, 1991, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403–3297.

Dated at Rockville, Maryland this 17th day of June 1991.

For the Nuclear Regulatory Commission.

Ngoc B. Le,

Project Manager, Project Directorate II–1, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91–15194 Filed 6–25–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–324]

Carolina Power & Light Co.; Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Carolina Power & Light Company (the licensee) to withdraw its March 18, 1991, application for proposed amendment to Facility Operating License No. DPR–62 for the Brunswick Steam Electric Plant, Unit 2, located in Brunswick County, North Carolina.

The proposed amendment would have revised the Technical Specifications (TS) to allow a one-time only extension of the surveillance interval associated with TS 4.8.1.1.2.d until October 31, 1991. Subsequently, by letter dated May 31, 1991, the amendment request was withdrawn.

For further details with respect to this action, see the application for amendment dated March 18, 1991, and the licensee's letter dated May 31, 1991, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC, and University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403–3297.

Dated at Rockville, Maryland this 17th day of June, 1991.

For the Nuclear Regulatory Commission.

Ngoc B. Le,

Project Manager, Project Directorate II–1, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91–15195 Filed 6–25–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 55–8615–SC; ASLBP No. 91–646–02–SC]

David M. Manning; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding:

David M. Manning, Senior Reactor Operator License No. SOP–10561–1, EA 91–054.

This Board is being established pursuant to the request by Mr. David M. Manning, the Licensee, for a hearing regarding an Order issued by the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, dated May 2, 1991, entitled "Order Suspending License (Effective Immediately) and Order to Show Cause Why License Should Not Be Revoked." (56 FR 22020, May 13, 1991)

An Order designating the time and place of any hearing will be issued at a later date.

All correspondence, documents and other materials shall be filed in accordance with 10 CFR 2.701. The Board is comprised of the following Administrative Judges:

Ivan W. Smith, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Peter S. Lam, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Harry Rein, M.D., 1877 Wingfield Drive, Longwood, Florida 32779.

Issued at Bethesda, Maryland, this 18th day of June, 1990.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 91–15196 Filed 6–25–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–333–OM; ASLBP No. 91–645–02–OM]

New York Power Authority; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commisison's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding:

New York Power Authority, James A. FitzPatrick Nuclear Power Plant, Facility Operating License No. DPR–59, EA 91–053.

This Board is being established pursuant to the request by New York Power Authority (Licensee) tha the NRC rescind an Order issued by the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, dated May 2, 1991, entitled "Order Modifying License (Effective Immediately)." (56 FR 22022, May 13, 1991) The Order modified License No. DPR–59 by adding the condition that Mr. David M. Manning shall not participate in any licensed activity under License No. DPR–59 without prior written approval of the Regional Administrator,

region I. Licensee has requested a hearing on the Order if the NRC denies Licensee's request that the Order be rescinded.

An Order designating the time and place of any hearing will be issued at a later date.

All correspondence, documents, and other materials shall be billed in accordance with 10 CFR 2.701. The Board is comprised of the following Administrative Judges:

Ivan W. Smith, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Peter S. Lam, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Harry Rein, M.D., 1877 Wingfield Drive, Longwood, Florida 32779.

Issued at Bethesda, Maryland, this 18th day of June, 1990.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 91-15197 Filed 6-25-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-440-A, 50-346-A, (Suspension of Antitrust Conditions); ASLBP No. 91-644-01-A]

Ohio Edison Co., et al; Memorandum and Order (Prehearing Conference)

June 19, 1991.

In the matter of Ohio Edison Company, (Perry Nuclear Power Plant, Unit 1 Facility Operating License No. NPF-58), The Cleveland Electric Illuminating Company, and the Toledo Edison Company, (Perry Nuclear Power Plant, Unit 1, Facility Operating License No. NPF-58) (Davis-Besse Nuclear Power Station, Unit 1, Facility Operating License No. NPF-3).

This proceeding involves applications to amend the operating licenses of the Perry Nuclear Power Plant, Unit 1, and the Davis-Besse Nuclear Power Station, Unit 1, to suspend the antitrust conditions in those licenses. Pending before this Licensing Board are various requests for a hearing and petitions for leave to intervene.

As we previously notified all parties and petitioners by telephone, a prehearing conference is hereby scheduled for Thursday, July 25, 1991, beginning at 10 a.m., in the NRC Hearing Room, 5th floor, 4350 East West Highway, Bethesda, Maryland. To the extent necessary, the conference will continue on Friday, July 26, 1991, beginning at 9:30 a.m., at the same location.

At the conference, the Board will consider the various requests for a hearing and petitions for leave to intervene (including the standing of the petitioners for intervention), schedules, discovery (in the event a hearing is authorized) and other matters bearing on the proceeding.

The Licensing Board hereby acknowledges receipt of copies of Ohio Edison's application to amend the Perry Operating License. The Board hereby requests that it be provided by the Applicants, at their earliest convenience, with copies of the Cleveland Electric Illuminating Co./ Toledo Edison application to amend the Perry and Davis-Besse facility licenses. In addition, the Board requests the NRC Staff to provide it copies of the following letters referenced in the Notice of Opportunity for Hearing:

1. The Department of Justice letter to the NRC, dated June 13, 1990.
2. The Commission's letter to the Licensees, dated April 24, 1991.

It is so ordered.

Bethesda, Maryland
June 19, 1991.

For the Atomic Safety and Licensing Board.

Charles Bechhoeffer,

Administrative Judge.

[FR Doc. 91-15198 Filed 6-25-91; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Order No. 889; Docket No. A91-7]

Weston, Michigan 49289 (Irene M. Robinson, et al., Petitioners); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued June 20, 1991.

Name of Affected Post Office: Weston, Michigan 49289.

Name(s) of Petitioner(s): Irene M. Robinson, et al.

Type of Determination: Closing.

Date of Filing of Appeal Papers: June 17, 1991.

Categories of Issues Apparently Raised:

1. Effect on the community [39 U.S.C. 404(b)(2)(A)];
2. Effect on postal services [39 U.S.C. 404(b)(2)(C)];
3. Economic savings [39 U.S.C. 404(b)(2)(D)].

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition, in light of the 120-day decision schedule [39 U.S.C. 404(b)(5)], the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the petitioner. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memoranda previously filed.

The Commission Orders:

(A) The record in this appeal shall be filed on or before July 2, 1991.

(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register.**

By the Commission.

Charles L. Clapp,

Secretary.

Appendix

June 17, 1991	Filing of Petition.
June 20, 1991	Notice and Order of Filing of Appeal.
July 12, 1991	Last day for filing of petitions to intervene [see 39 CFR 3001.111(b)].
July 22, 1991	Petitioner's Participant Statement or Initial Brief [see 39 CFR 3001.115 (a) and (b)].
August 12, 1991	Postal Service Answering Brief [see 39 CFR 3001.115(c)].
August 27, 1991	Petitioner's Reply Brief should petitioner choose to file one [see 39 CFR 3001.115(d)].
September 3, 1991	Deadline for motins by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 CFR 3001.16].
October 15, 1991	Expiration of 120-day decisional schedule [see 39 U.S.C. 404(b)(5)].

[FR Doc. 91-15122 Filed 6-25-91; 8:45 am]

BILLING CODE 7710-FW-M

RESOLUTION TRUST CORPORATION

Disclosure of Asset-Related Information

AGENCY: Resolution Trust Corporation.

ACTION: Extension of comment period.

SUMMARY: On May 22, 1991 56 FR 23602, the Resolution Trust Corporation ("RTC"), published a notice that the RTC was seeking comments from the

public on certain issues regarding the disclosure of information related to the sale of assets owned or controlled by the RTC. The purpose of the comments is to assist the RTC in the development of a policy statement regarding disclosure of such information. The comment period ended on June 21, 1991. The RTC is now extending this comment period for an additional thirty days.

DATES: Comments must be received by July 22, 1991.

ADDRESSES: Comments should be sent to John M. Buckley, Jr., Executive Secretary, Resolution Trust Corporation, 801 17th Street NW., Washington, DC 20434. Comments may be hand delivered to room 314 at the same address between the hours of 9 a.m. and 5 p.m. on business days. Comments will be available for inspection and photocopying in the Public Reading Room, 801 17th Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John C. Binkley, Special Assistant to the Executive Secretary, at (202) 416-7450.

Dated at Washington, DC, this 21st day of June, 1991.

John M. Buckley, Jr.,

Executive Secretary, Resolution Trust Corporation.

[FR Doc. 91-15205 Filed 6-25-91; 8:45 am]

BILLING CODE 6714-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-29341; File No. SR-CBOE-91-16]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by Chicago Board Options Exchange, Inc., Relating to Extension of a Fee for Delayed Trade Match Submissions

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 13, 1991, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to extend the effectiveness of its fee for delayed trade match submissions for a period of six months until January 22, 1992. In general, under the proposal, market makers and their clearing firms will be charged an additional fee when they submit trade information two hours or more after the time of execution for a specified percentage of their transactions. The fee applies only to market maker trades executed in person.[1]

The trade matching process at the Exchange traditionally has been performed by making computer runs in the evening hours after trading for the day has ceased. In April 1990, however, the Exchange instituted an intraday trade matching service on an Exchange-wide basis. As a result, the Exchange is now making data comparison computer runs during each trading day instead of starting that process after the close of trading. The purpose of the fee for delayed trade match submissions is to encourage timely submission of trade information data, thus leading to greater realization of the benefits offered by intraday trade matching (*i.e.*, more timely and accurate trade matching).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

On January 22, 1991, the Commission approved a CBOE proposal establishing a fee for delayed trade match submissions for a period of six months until July 22, 1991.[2] The purpose of the fee for delayed trade match submissions is to encourage market-makers and market-maker clearing firms to submit trading data to the CBOE in a timely manner and to help offset the additional burden created by delayed submissions in conjunction with the Exchange's implementation of its intraday trade match system. When approving the fee structure, however, the Commission determined that the proposal could not be permanently approved until the CBOE submitted and received approval for its intraday trade match system. Accordingly, in order to give the CBOE time to prepare and file the intraday trade match system and the Commission time to review the proposal, while simultaneously allowing the CBOE to begin charging fees to improve the effectiveness of that system, the Commission approved the fee proposal for an initial six-month period.

Concurrent with this proposal, but as a separate filing (SR-CBOE-91-18), the Exchange is submitting with the Commission a description of the intraday trade match system. Nevertheless, due to the uncertainty of that proposal's approval before July 22, 1991, the CBOE proposes to extend the Commission's approval of the fee for delayed trade match submissions for an additional six months until January 22, 1992. This would avoid the imposition of an undue hardship and burden on the Exchange, which plans to begin the fee program on July 1 that would be caused by the interruption or discontinuation of the fee program three weeks after it was first implemented.

(2) Basis

The Exchange believes that an extension of the fee for delayed trade match submissions prior to permanent approval of the CBOE's intraday trade match system is consistent with the requirements of the Act and the rules and regulations thereunder in general, and, in particular, section 6(B)(4) because it provides for the equitable allocation of reasonable fees among its members and section 6(b)(5) because it is designed to foster cooperation and coordination with persons engaged in clearing transactions in securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

[1] For a more detailed description of the fee charged for delayed trade match submissions, see Securities Exchange Act Release No. 28807 (January 22, 1991), 56 FR 3127.

[2] *Id.*

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated approval pursuant to section 19(b)(2) of the Act. The Commission finds that the proposed rule change to extend the effectiveness of the fee for delayed trade match submissions for six months until January 22, 1992 is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of sections 6(b) (4) and (5) thereunder. In particular, the Commission believes that the proposal will continue to encourage market makers and their clearing members to make timely submissions of trade information, which will foster more efficient clearing of options transactions.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register** because of the importance of allowing the fee program to be implemented and remain in effect without interruption. The Commission believes, therefore, that granting accelerated approval of the proposed rule change is appropriate and consistent with section 6 of the Act.[3]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR-CBOE-91-16 and should be submitted by July 17, 1991.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved for a period of six months ending January 22, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 19, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-15115 Filed 6-25-91; 8:45 am]

BILLING CODE 8010-01-M

[3] The Commission incorporates in this order the analysis contained in its order of January 22, 1991, approving the delayed trade match submissions fee for a period of six months. See, Securities Exchange Act Release No. 28807 (January 22, 1991), 56 FR 3127.

[Release No. 34-29322; File No. SR-CBOE-91-18]

Self-Regulatory Organization; Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Exchange's Intraday Trade Match System

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 13, 1991, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to establish procedures for its intraday trade match system. The text of the proposed rule change is attached as exhibit A.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The CBOE has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

On January 22, 1991, the Commission approved a CBOE proposal establishing a fee for delayed trade match submissions for a period of six months from January 22, 1991.[1] The purpose of the fee is to encourage market-makers and market-maker clearing firms to submit trading data to the CBOE in a timely manner and to help offset the additional burden created by delayed submissions in conjunction with the Exchange's implementation of its intraday trade match system. When approving the fee structure, however, the Commission determined that the proposal could not be permanently approved until the CBOE submitted and received approval for its intraday trade match system. Accordingly, in order to give the CBOE time to prepare and file the intraday trade match system and the Commission time to review the proposal, while simultaneously allowing the CBOE to begin charging fees to improve the effectiveness of its intraday trade match system, the Commission approved the fee proposal for an initial six-month period.

Pursuant to the Commission's request when approving the fee for delayed trade match submissions, the present proposal contains a description of the intraday trade match system. In addition, concurrent with this proposal, the Exchange is submitting to the Commission a proposal to extend the effectiveness of the fee for delayed trade match submissions for a period of six months until January 22, 1992. The extension would enable the Exchange to assess the fee program without interruption while the Commission considers the present proposal.

(b) Basis

The proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder in general, and, in particular, the proposal is consistent with and furthers the objectives of section 6(b)(5) in that it is designed to foster cooperation and coordination with persons engaged in clearing transactions in securities.

[1] See Securities Exchange Act Release No. 28807 (January 22, 1991), 56 FR 3127.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of the notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents the Commission will:

(a) By order approve such proposed rule change or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–91–18 and should be submitted by July 17, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 17, 1991.

Margaret H. McFarland,

Deputy Secretary.

Exhibit A—Chicago Board Options Exchange, Incorporated Trade Match System

This circular describes the procedures of the Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") with respect to its trade match process and, in particular its intraday trade match ("ITM") system, including applicable timetables.

General Background

Prior to October 30, 1989, when ITM was first introduced in one trading station involving four classes of option contracts, the Exchange's trade match process began after the close of trading. Specifically, there were three timeframes during which trade input comparison occurred: The first trade input comparison, "First Pass", occurred no earlier than 6 p.m. The second trade input comparison, "Second Pass", occurred at approximately 10 p.m. The third trade input comparison, "Third Pass", occurred at 12 p.m. the next trading day to deal with unmatched trades "as-of" the prior trading day.

In order to resolve unmatched trades sooner, thereby reducing the market risk of overnight outtrades as well as reducing the costs inherent in a more protracted trade match process, the Exchange began trade match comparison during the trading day in October 1989. Substantial improvements in the trade match process led to ITM's expansion to include all equity options by February 23, 1990. In February 1990, ITM also expanded to expiration Saturday processing by providing two matching passes. This enabled clearing members to eliminate outtrades in expiring series thereby greatly reducing time and costs associated with expiration processing. The Exchange completed its floor-wide implementation of ITM by expanding to the OEX trading crowd on April 24, 1990. As a result of ITM, the evening trade match workloads decreased. Consequently, on July 1, 1990, the evening's first pass time was moved up one half hour while the time allotted for night trade checking was compressed. Further reductions in outtrades led to the elimination of the "as-of" matching pass, Third Pass, on November 19, 1990 and all "as-of" activity was processed by ITM. Further, in order to encourage timely submission of trade input and thereby lead to greater realization of the benefits offered by ITM, the Exchange filed with the Securities and Exchange Commission ("Commission") proposed trade match delayed submission fees rules. On January 22, 1991, the Commission approved the proposal for a six-month period. (See SR–CBOE–90–65)

Trade Submission

Presently, the trade match process begins by the submission of trade information to the CBOE trade match system. Trade input to CBOE's trade match system commences as soon as trading begins. Trade match input is received via three methods: (1) Real-Time sources such as the CBOE Order Routing System ("ORS"), CBOE's RAES system and member firm order match systems, (2) Batch transmissions from member firm bookkeeping systems, and (3) Terminal entries via the Terminal Network.

Currently, the Exchange's trade match process consists of three intraday trade match passes and two evening trade match passes as described below.

First Intraday Trade Match Pass

At 11 a.m. the Exchange performs the first intraday trade match pass ("First ITM Pass"). First ITM Pass means the computer processing run prepared by the Exchange in which trade match records (trade information required by Rule 6.51) submitted by all clearing members are combined in order to provide feedback as to unmatched trades. From this run the Exchange produces matched and unmatched trade reports. The matched trade report consists of all trades that match on firms, brokers, contract, price and quantity. The Exchange distributes the matched and unmatched trade reports to the clearing members by 11:30 a.m. at the Exchange's Trade Processing Window. Member firm representatives pick up the reports and compare the information thereon with the firm's internal reports and other relevant records. Where appropriate, corrections are made and submitted to the Exchange via one of the three methods described in the trade submission section above prior to the second intraday trade match pass. By the First ITM Pass, 25% of the day's trades have been submitted for trade matching. Upon completion of the First ITM Pass, 15% of the day's trades have been matched.

Second Intraday Trade Match Pass

At 1 p.m., the Exchange performs the second intraday trade match pass ("Second ITM Pass"). Second ITM Pass means the second time during the trading day that a computer processing run is prepared by the Exchange in which trade match records submitted by all clearing members are combined in order to provide feedback as to unmatched trades. The Second Pass produces matched and unmatched trade reports by 1:40 p.m. which are distributed via the Exchange's Trade Processing Window. Member firm representatives review these reports in preparation for a face to face trade checking session that takes place on the second floor Trade Checking Area of the Exchange at 2 p.m. At this session, member firm representatives discuss the unmatched trades and attempt to resolve them. If necessary or appropriate, market-makers and floor brokers are contacted in order to resolve unmatched trades. Trade correction input is submitted via one of the aforementioned three methods prior to the last intraday trade match pass. By the Second ITM Pass, 50% of the day's trades have been submitted for trade matching. Upon completion of the Second ITM Pass, 30% of the day's trades have been matched.

Third Intraday Trade Match Pass

At 3 p.m., the Exchange performs the last intraday trade match pass ("Third ITM Pass"). Third ITM Pass means the third time during the trading day the Exchange prepares a computer run in which trade match records

submitted by all clearing members are combined in order to provide feedback as to unmatched trades. From this run the Exchange produces matched and unmatched trade reports which are distributed to the clearing firms via the Trade Processing Windows at 3:40 p.m. Member firm representatives review the unmatched trades for errors. Corrections are submitted continuously via one of the aforementioned three methods until the first evening trade match pass begins. The matched and unmatched reports that are produced during the Third ITM Pass provide member firms with a preview of the evening workload, allowing the firms to allocate their personnel more effectively. By the Third ITM Pass, 70% of the day's trades have been submitted. Upon completion, 50% of the day's trade have been matched.

Evening Trade Match Process

While the Exchange has always had an evening trade match process, the entire evening process has been shortened due to the reduced number of unmatched trades being dealt with during the evening trade match process. Previously, the evening trade match process accounted for the bulk of the trade comparison work. With the advent and success of the intraday trade match process, the evening workload has eased significantly, allowing member firms to reduce their evening staff or move evening staff to the trading day thereby decreasing overall costs.

First Evening Trade Match Pass

As early as 5:30 p.m., the first evening pass is performed. A computer processing run is prepared by the Exchange in which trade match records submitted by all clearing members are combined in order to provide feedback as to the remaining unmatched trades. From this run the Exchange produces matched an unmatched trade reports. These reports are distributed electronically, directly to the clearing member's back office, or on hard copy by way of the Exchange's Trade Processing Window. Member firm representatives review the unmatched reports in an effort to match all remaining outtrades. Upon completion of the first evening trade match pass, 91% of all trades effected during the trading day are matched.

Second (And Final) Evening Trade Match Pass

Once all corrections to the first evening pass are received by the Exchange, the final trade matching pass of the day is performed. Generally, the final trade match pass occurs at 8:45 p.m. This pass produces a final electronic file of all compared, matched trades for submission to the Options Clearing Corporation. This file contains approximately 97.5% of the trading day's activity. Only slightly more than 2.5% of the trades remain unmatched. These remaining outtrades are reconciled the next morning prior to the opening of trading.

[FR Doc. 91–15119 Filed 6–25–91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–29307; File No. SR–DGOC–91–02]

June 14, 1991.

Self-Regulatory Organizations; Delta Government Options Corporation; Notice of Proposed Rule Change Relating to the Definition of Options Expiration Date

Pursuant to section 19(b) of the Securities Exchange Act of 1934,[1] notice is hereby given that on May 24, 1991, Delta Government Options Corporation ("DGOC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in items I, II, and III below, which Items have been prepared by the self-regulatory organization ("SRO"). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. SRO's Statement of the Terms of Substance of the Proposed Rule Change

DGOC's proposed rule change will modify its definition of "expiration date" in article I of its Rules. Specifically, the proposal will: (1) Provide that the expiration date may have duration of not longer than two years from the writing of the option; and (2) permit any Friday of the expiration month to serve as an expiration date, rather than only the first or last Friday of the month as provided under existing rules.

II. SRO's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the SRO included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The SRO has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) SRO's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to respond to requests by DGOC participants to afford to them the opportunity to select expiration dates which match more precisely the tenor of other financial contracts developed in the over-the-counter market and other trading environments. By affording participants a larger spectrum of expiration dates, DGOC will be able to permit its participants to gravitate naturally toward those expiration dates that each participant deems the most suited to its trading needs. The proposed rule change is consistent with the requirements of the Act, particularly section 17A of the Act, and the rules and regulations thereunder applicable to Delta because the proposed rule change will permit more utilization of the Over-the-Counter Options Trading System by those participants who prefer to trade in options for hedging purposes or speculation.

In particular, the tailoring of the options expiration on the basis proposed by DGOC will afford participants additional flexibility to adjust option duration in relation to their overall treasury security portfolios. The proposal, moreover, will enable participants to submit, for processing at DGOC, over-the-counter Treasury option trades that, prior to this proposal, could not be submitted because their stated expiration date was other than previously available through DGOC. DGOC's proposal, therefore, will allow for the automated clearance and settlement of securities transactions that, otherwise, would be cleared via a decentralized, inefficient and labor-intensive process.

(B) SRO's Statement on Burden on Competition

Delta does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) SRO's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Delta neither requested nor received any comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the data of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the SRO consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

[1] 15 U.S.C. 78s(b).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned SRO. All submissions should refer to File No. SR-DGOC-91-02 and should be submitted July 17, 1991.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.[2]

Jonathan G. Katz,

Secretary.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-15121 Filed 6-25-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-29261 File No. SR-NASD-91-12]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to OTC Bulletin Board Service

On February 26, 1991, the National Association of Securities Dealers, Inc. ("NASD") submitted to the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change (File No. SR-NASD-91-12), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] to amend the OTC Bulletin Board Service ("Service") to require that quotations for non-foreign issues entered into the system be firm. The proposed rule change was noticed in the Federal Register for public comment.[2] No comments were received in response to the solicitation. This order approves the proposed rule change.

On May 1, 1990, the Commission issued an order approving the operation of the NASD's OTC Bulletin Board Service for a pilot term of one year.[3] The Service provides an electronic quotation medium for NASD members to enter and display quotations in non-NASDAQ OTC securities in which they are registered as market makers. Individual market makers are permitted to update their displayed quotations in foreign securities and ADRs twice daily, once between 8:30 and 9:30 a.m. e.s.t. and once between noon and 12:30 p.m. e.s.t. Domestic securities quoted in the Service are not subject to this update restriction.

The purpose of the proposed rule change is to require that all priced bids and offers on domestic securities entered by registered market makers be firm for one unit of trading. This requirement will apply exclusively to priced quotations for domestic, non-NASDAQ securities quoted in the Service because foreign securities are subject to the twice-daily update limitation. Market makers in these securities will retain the options of entering: (1) Bid wanted/offer wanted indications; (2) quotations consisting solely of the firm's name and telephone number; and (3) indications of unsolicited customer interest.

Currently, market makers in these securities can elect to enter firm or non-firm priced bids/offers. Since the Service's inception, the NASD stated that it has found that firm prices—in the form of one and two-sided quotations—have been predominant among Service market makers in domestic issues.[4] Because these issues are not subject to any update limitation, many market makers actively compete for order flow by entering and updating firm quotations in domestic securities during the Service's business hours.

In addition, the NASD noted that some market makers have attempted to attract business by entering non-firm bids slightly better than the highest firm bid. When contacted about trading at the apparently "superior" price, the market maker expressed a willingness to transact at the highest firm bid rather than the indicative price. Because the superior price was not firm, the market maker could not be held to the bid he had entered. This practice may result in some diversion of order flow away from other market makers entering competitive, firm prices in the same security. More importantly, it detracts from the overall reliability of priced quotations being displayed in the Service for domestic issues. The NASD, therefore, decided to eliminate a market maker's option of displaying non-firm priced bids/offers in the Service for any domestic, non-NASDAQ security.

On October 15, 1990, the Securities Enforcement Remedies and Penny Stock Reform Act of 1990 ("Reform Act") was singed into law.[5] Among other things, the Reform Act amended the Securities Exchange Act of 1934 by adding new Section 17B, which requires the Commission to facilitate the development of one or more automated quotation systems for the collection and dissemination of information for all penny stocks. The findings in Section 17B note the lack of reliable and accurate quotation and last sale information for investors in "penny stocks."[6] That section also states that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to improve significantly the information available with respect to quotations for and transactions in penny stocks. Finally, Congress found that a fully implemented automated quotation system would meet the information needs of investors and market participants and would add visibility to the penny stock market, as well as provide regulatory and surveillance data.

Section 17B, therefore, directs the Commission to "facilitate the widespread dissemination of reliable and accurate last sale and quotation information * * * with a view toward establishing, at the earliest feasible time, one or more automated quotation systems that will collect and

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[2] 17 CFR 200.30-3(a)(12).

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] See Securities Exchange Act Release No. 28946 (March 6, 1991), 56 FR 10932.

[3] Securities Exchange Act Release No. 27975 (May 1, 1990), 55 FR 19124. On May 3, 1991, the NASD submitted a proposed rule change to obtain authorization for an interim extension of the Service through November 30, 1991. See File No. SR-NASD-91-21.

[4] For example, the months of December 1990, and January 1991, revealed that firm prices (consisting of one and two-sided entries) were associated with 71.4% and 71% of total market maker positions, respectively.

[5] Securities Enforcement Remedies and Penny Stock Reform Act of 1990, signed October 15, 1990, Public Law 101-429, 15 U.S.C. 78q-2 (1990).

[6] "Penny stock" is defined in the legislation, subject to rules to be written by the Commission, as generally encompassing any stock other than: (a) Securities listed on an exchange that meet Commission criteria; (b) securities quoted on NASDAQ that meet Commission criteria; (c) registered investment companies; and (d) securities excluded by the Commission on the basis of a minimum price, net tangible assets or other criteria. The Commission proposed rules to implement the legislation on April 17, 1991. *See* Securities Exchange Act Release No. 29093.

disseminate information regarding all penny stocks." [7] Paragraph (b)(2)(C) of Section 17B provides that such a system collect and disseminate quotation and transaction information and provide firm bid and ask quotations of participating brokers and dealers. Paragraph (b)(2)(D) of this Section further states that an automated quotation system should also provide for the reporting of the volume of penny stock transactions, including last sale reporting when the volume reaches a certain level as specified by the Commission.

Congress also recognized that the NASD already had taken steps to increase the availability of trade and quotation data for surveillance purposes and to improve the quality of the market for these securities. Most notably, Congress acknowledged the development of the NASD's OTC Bulletin Board.[8]

The Commission has determined that it is appropriate to approve the NASD's proposed rule change because the Commission believes it is consistent with sections 15A(b) (6) and (11) of the Act.[9] Section 15A(b)(6) requires, among other things, that the NASD's rules be designed to promote just and equitable principles of trade, to facilitate transactions in securities, and to protect investors and the public interest. Section 15A(b)(11) authorizes the NASD to adopt rules governing the form and content of quotations for securities traded over-the-counter. Such rules should produce fair and informative quotations, prevent misleading quotations, and promote orderly procedures for collecting and disseminating quotations.

By requiring that all quotations for domestic issues entered into the system be firm, the NASD is furthering the execution of customer orders at the best available price and fair dealing among the Service market makers. This capability should enhance the efficiency of pricing and will assist market makers in negotiating the execution of customer orders at the best available price. The Commission also notes that the requirement that participants enter firm bid and ask prices makes the Bulletin Board closer to the automated quotation system envisioned by Section 17B of the Act.[10]

In light of these factors, the Commission believes that it is appropriate to approve the proposed rule change.

It is therefore ordered, pursuant to section 19(b)(2), of the Act that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Dated: May 31, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–15113 Filed 6–25–91; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–29344; File No. SR–NASD–91–20]

Self-Regulatory Organization; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Forwarding of Material on the Issuer's Behalf to Beneficial Owner of NASDAQ Securities

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 29, 1991, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change. The NASD subsequently filed an amendment thereto on June 11, 1991.[1] The proposed rule change is described in items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Proposed rule change amends the Interpretation of the Board of Governors—Forwarding of Proxy and Other Materials, Article III, section 1 of the NASD Rules of Fair Practice to create a uniform standard of duty among NASD members to forward material to beneficial owners furnished by the NASDAQ company that is the issuer of the securities.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The NASD has become aware that a disparity exists among different NASD members regarding their duty to forward beneficial owners the proxy and other material furnished by the NASDAQ company that is the issuer of the securities. The current Interpretation of the NASD Board of Governors—Forwarding of Proxy and Other Materials to Article III, section 1 of the Rules of Fair Practice ("Interpretation") limits the duty of a member to forward material furnished to it by the issuer of the securities to "all proxy material, annual reports, information statements and other material required by law to be sent to stockholders periodically." Currently, NASD members who are members of the New York Stock Exchange ("NYSE") are held to a broader standard under NYSE Rule 465 that requires a member organization to forward "copies of interim reports of earnings and other material being sent to stockholders." NYSE Rule 465 does not reference underlying requirements of law as a prerequisite of the NYSE member's duty to forward material. Under section 10 to the Supplementary Material to NYSE Rule 465, the duty of the NYSE member applies to forwarding material for both listed and unlisted companies.[2]

A NASDAQ company requesting that material be forwarded to its beneficial owners may receive different levels of service from certain NASD members resulting from the application of NYSE Rule 465 to NASD members that are NYSE-affiliated and the NASD standard of duty imposed on NASD members that

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[7] 15 U.S.C. 78–2 (1990).

[8] H.R. 5325, 101st Cong., 2nd Sess. (1990), ("House Report").

[9] 15 U.S.C. 78*o*–3 (1982).

[10] Because, the Reform Act directs the Commission to facilitate the dissemination of quotation and last sale information through one or more automated quotation systems, the Commission staff has requested that the NASD ascertain what other steps it will take to conform the Bulletin Board to the requirements for penny stock quotation systems in Section 17B. Specifically, the Commission staff has recommended that the NASD consider making available certain transaction information reported pursuant to Schedule H of the NASD By-Laws.

[11] 17 CFR 200.30–3(a)(12).

[1] *See* letter from Frank J. Wilson, Executive Vice President and General Counsel, NASD, to Katherine A. England, Branch Chief, SEC, dated June 11, 1991.

[2] *See* also NYSE Rule 451 which contains a broader standard for forwarding proxy information than that required by the NASD's Rules of Fair Practice. The NASD has agreed to take this issue to the appropriate NASD committees for discussion.

are not affiliated with the NYSE. To eliminate the potential disparity of service to NASDAQ companies, the NASD is proposing to amend the Introduction to the Interpretation to reflect the same standard as the NYSE.

Currently, NASD members are reimbursed for expenses incurred in forwarding other material pursuant to section 4 of the Interpretation. The NASD proposes to amend section 4 and the appendix to the Interpretation to clarify the application of the reimbursement rate to the additional material required to be forwarded under this proposed amendment.

Finally, the NASD is proposing two minor changes to the language of the Introduction to the Interpretation that would add a comma and delete the word "therefore."

(b) The proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act, which requires, among other things, that the rules of the Association be designed to "foster cooperation and coordination with persons engaged in regulating clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest."

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comment

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by July 17, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: June 19, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-15120 Filed 6-25-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-29339; File No. SR-NASD-91-26]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Preferencing Orders in the Small Order Execution System

Pursuant to section 19(b)(1) of the Securities and Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 31, 1991, the National Association of Securities Dealers, Inc. ("NASD" or Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing to amend the Rules of Practice and Procedure of the Small Order Execution System ("SOES") to allow market makers to decline preferencing by order entry firms.[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The NASD has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Association is proposing to amend the Rules of Practice and Procedure for the Small Order Execution System to permit preferencing of orders to market makers only when those market makers agree to be preferenced. SOES is designed to improve the efficiency of executing small-sized customer orders in NASDAQ securities by offering an alternative to traditional telephone negotiation with market makers.[2] SOES provides automated execution of small customer orders with NASDAQ market makers at the best available market price in one of two ways—a preferenced order may be routed to a particular market maker in the stock and will be executed at the best posted bid or offer in the system (the inside quote), or an unpreferenced order will be executed against any market maker at the price in the security.

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[1] On April 18, 1991, the NASD filed a proposed rule change in File No. SR-NASD-91-18 which would, among other things, clarify that if a market maker declines preferencing, and order preferenced to that market maker shall be executed on an unpreferenced basis (*i.e.*, in rotation against other market makers, if any). See Securities Exchange Act Release No. 29182 (May 9, 1991), 56 FR 22496 (May 15, 1991). The instant proposed rule change, if approved, would amend the proposed rule in File No. SR-NASD-91-18 by clarifying that an order received by a market maker from an order entry firm from which it has not agreed to accept preferencing will be executed at the inside market on an unpreferenced basis.

[2] The NASD has recently filed three proposed rule changes that attempt to remedy alleged abuses of SOES. See, NASD-90-59, Securities Exchange Act Release No. 28709 (December 19, 1990), 55 FR 53224 (December 27, 1990); NASD-91-17, Securities Exchange Act Release No. 29181 (May 9, 1991), 56 FR 22495 (May 15, 1991); and NASD-91-18, Securities Exchange Act Release No. 29182 (May 9, 1991), 56 FR 22496 (May 15, 1991).

Preferencing orders to specific market makers was originally permitted in SOES to accommodate the established order routing practices in the market, so that order entry firms and market makers could continue their order routing arrangements using SOES. Because any order entered into SOES is assured the "best" market price for execution, preferenced orders are executed at the inside bid and or offer regardless of the price being quoted by the market maker receiving the order. This assurance of "price protection" to all orders entered into SOES was and is a key element in the operation of the system.

Currently, market makers may decide to accept preferencing on a stock-by-stock basis, but if a market maker elects to accept preferencing in a stock, it is required to accept all orders preferenced to it from all order entry firms and must execute any such preferenced order at the inside quotation. Abuses occur in SOES when one market maker is slow in updating a quotation and preferenced market makers are forced to execute trades at the quotation of the market maker that is not monitoring the market. This occurs in fast moving markets, where the market maker's quote that has not been updated establishes an inside quotation not truly reflective of the changing market or of the other market makers' updated quotations. An order sent to a preferenced market maker must be executed at this inside quotation, notwithstanding the fact that the market maker may have changed its quotes in a timely manner.

The NASD has received reports that some order entry firms may preference market makers purposefully and opportunistically to cause executions at the untimely inside quotation, thus abusing the original intent of the preferencing allowances. To remedy this situation the NASD is recommending that market makers be provided the same flexibility to accept preferenced executions on a firm-by-firm basis as is now provided with the stock-by-stock criteria currently in place. With this enhanced flexibility, market makers would execute preferenced orders at the inside quotation from order entry firms that they have agreed to acknowledge, and the system would treat all other preferenced orders on an unpreferenced basis.

This modification to the system would have no impact on the orders being executed within SOES—orders entered would receive the same quality execution as they do in the system today. To summarize:

- Execution of orders preferenced to market makers by order entry firms is required only when mutually agreed upon by both parties to the transaction; and
- Preferenced orders to market makers that have not agreed to accept preferencing from the particular order entry firm will be executed in SOES as if unpreferenced, that is, on a rotational basis against market makers at the best posted bid or offer in the system.

The NASD believes the proposed rule change is consistent with section 15A(b)(6) of the Act. Section 15A(b)(6) requires that the rules of a national securities association be designed to "foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market." SOES operates to facilitate automated executions of customer orders and the NASD believes the proposed amendment will curb misuse of the system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by July 17, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: June 19, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–15117 Filed 6–25–91; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–29325; File No. SR–PSE–91–20]

Self-Regulatory Organizations; Pacific Stock Exchange, Inc.; Filing and order Granting accelerated Approval to Proposed Rule Change Extending Effectiveness of Ten-Up Pilot Program

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] the Pacific Stock Exchange, Inc. ("PSE" or "Exchange") on June 4, 1991, filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE proposes to extend the Exchange's Trading Crowd Firm Disseminated Market Quote ("ten-up Rule) pilot program through November 15, 1991.[3]

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b–4 (1989).

[3] The Exchange's ten-up Rule requires PSE trading crowds to provide a depth of ten contracts for all

Continued

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In May 1990, the Commission approved the exchange's ten-up Rule on a one-year basis.[4] The PSE is now requesting a six-month extension of the current program through November 15, 1991, in order to fully assess the effectiveness of the program. Upon completion of its evaluation, the PSE will submit a proposal requesting permanent approval of the rule.

The PSE reports that, since its inception, the ten-up Rule has enhanced the Exchange's marketplace in several ways. First, the implementation and enforcement of the rule has resulted in the protection of public investors through better guaranteed executions for their orders. Second, the program, by promoting public interest, has aided the Exchange in maintaining its competitiveness as a marketplace.

The PSE believes the proposed rule change is consistent with section 6(b)(5) of the Act, in that it promotes just and equitable principles of trade and protects the investing public.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated approval pursuant to section 19(b)(2) of the Act. The Commission finds that the proposed rule change is consistent with the requirements of the act and the rules and regulation thereunder, and, in particular, the requirements of section 6, 11(b), and 11A thereunder, in that it will result in improved quality of PSE options markets and better market maker performances. The ten-up Rule provides public customers with the assurance of order execution to a minimum depth of ten contracts at the best disseminated bid or offer. This results in better executions of small customer orders by ensuring greater depth to the PSE options markets.[5]

Before seeking permanent approval of the ten-up Rule, the Commission expects that the Exchange will study the operation of the ten-up Rule and its effect, if any, on the PSE's options market. Specifically, the Exchange should study the effect of the ten-up Rule on the speed of execution of trades, its impact on average bid ask spreads and any increase or decrease in market depth. The Commission also expects that the Exchange will provide a report to the Commission of its findings on these matters, along with any violations of the ten-up Rule and any complaints about its operations, prior to filing a proposal for the permanent approval of the ten-up Rule.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the Federal Register because of the importance that the Ten-Up pilot program continue uninterrupted. A six-month extension of the pilot also will provide the PSE with additional time to study the effectiveness of the ten-up Rule in improving the quality of PSE options markets and market maker performance. The PSE's study would be a significant factor in the commission's analysis of any PSE filing proposing permanent approval of the ten-up Rule. The Commission believes, therefore, that granting accelerated approval of the proposed rule change is appropriate and consistent with Section 6 of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PSE. All submissions should refer to File No. SR-PSE-91-20 and should be submitted by July 17, 1991.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[6] that the proposed rule change (File No. SR-PSE-91-20) is approved until November 15, 1991, on an accelerated basis.

For the Commission by the Division of Market Regulations, pursuant to delegated authority.

Dated: June 17, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-15118 Filed 6-25-91; 8:45 am]

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non-broker/dealer customer orders, at the disseminated market quote at the time such orders are announced or displayed at a trading post. See Securities Exchange Act Release No 28021 (May 16, 1990), 55 FR 21131 (Ten-Up Approval Order).

[4] *Id.*

[5] *Id.*

[6] 15 U.S.C. 78s(b)(2) (1982).

[Docket No. 34-29343; File No. SR-PHLX-91-09]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by Philadelphia Stock Exchange, Inc. Relating to Fines for Violations of Order and Decorum Rules

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 9, 1991, the Philadelphia Stock Exchange, Inc. ("PHLX") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX proposes to amend Regulation 4—Order, an order and decorum regulation enacted under PHLX Rule 60, to impose a $50 fine for the first occurrence of disorderly conduct, a $1,000.00 fine for abuse of the Exchange's paging system, a $250.00 fine for inciting physical abuse, a $500.00 fine for minor acts of physical abuse (*e.g.*, pushing) and a $1,000.00 fine majors act of physical abuse (*e.g.*, pushing).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

PHLX Regulation 4—Order, an order and decorum regulation enacted under PHLX Rule 60,[1] currently imposes a $1,000.00 fine for carrying firearms on the trading floor and a $1,000.00 fine for each occurance of fighting or other physical abuse. PHLX Rule 60 also establishes a schedule of fines imposed for acting in a disorderly manner. The PHLX proposes to amend Regulation 4 to impose a $50.00 fine for the first occurrence of disorderly conduct, a $1,000.00 fine for abuse of the Exchange's paging system, a $250.00 fine for inciting an incident of physical abuse, a $500.00 fine for minor acts of physical abuse (*e.g.*, pushing) and a $1,000.00 fine for major acts of physical abuse (*e.g.*, pushing). Specifically, with respect to actual fighting, each abusive incident will be classified as constituting either a minor or major incident of physical abuse. Pushing, for example, is a minor act of physical abuse, and will carry a fine of $500; punching is a major act of physical abuse, and will carry a fine of $1,000.00. Under the proposal, a Floor Official will determine whether an incident constitutes a major or minor act of physical abuse. The PHLX will endorse Regulation 4 by issuing a fine for a single fight, not for each blow dealt in the fight.[2] Where an act of physical abuse is deemed particularly egregious, or where an individual has established a pattern of Order violations, two Floor Officials may refer the matter to the Business Conduct Committee, which may impose additional fines and sanctions. The PHLX seeks to expand the application of Regulation 4 to better maintain order on the Exchange's trading floor, including the safety, health and security of all persons present on the trading floor.

In addition, the proposal provides several additions to expand the scope of Regulation 4, including a $1,000.00 fine for abuse of the paging system on the trading floor. The paging system is accessible from most floor post locations by telephone, connecting the speaker to a public address system audible throughout the equity options trading floor and contiguous areas. The PHLX believes that abusing the system prevents its intended use as a means of communicating with Exchange participants for Exchange related purposes and also disrupts ordinary floor operations by distracting and disturbing those present on the floor.

In order to deter fighting, the PHLX also proposes a fine of $250.00 for inciting physical abuse. The PHLX believes that thwarting fights by punishing the participants afterward is insufficient; the deterrence also should begin at the provocation stage. For example, if X provokes B into fighting with A, X has violated the proposed rule and shall incur a fine of $250, whether or not A and B actually fight.

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and futhers the objectives of Section 6(b)(5), in particular, in that it is designated to promote just and equitable principles of trade and to maintain a fair and orderly market.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has requested that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Sections 6(b)(5) and (6) thereunder because the proposal provides appropriate sanctions for members who violate the rules of the Exchange and because the proposal is designed to perfect the mechanism of a free and open market and to protect investors and the public interest. The Commission believes that the addition of fines for abuse of the Exchange's paging system, for inciting physical violence, and for the first occurrence of disorderly conduct provides a reasonable means by which the Exchange may prevent disruptive conduct and maintain order and safety on its trading floor. By preventing disruptive conduct, the proposal should enhance the ability of PHLX members to engage in transactions in securities, thereby contributing to fair and orderly markets and the efficient execution of transactions. In addition, the classification of physical violence into major and minor incidents of abuse, which carry fines of $1,000.00 and $500.00 per occurrence, respectively, will provide appropriate sanctions for different levels of misconduct. Because the proposal defines the scope of prohibited conduct, provides notice to members, and is tailored to serve a legitimate Exchange regulatory interest, the proposal provides fair and reasonable procedures for the regulation of trading floor conduct.

The Commission finds good cause for approving the proposal prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register** because of the importance of maintaining order on the Exchange's trading floor. The Exchange must provide an orderly trading floor in order to maintain the quality of its markets. The proposed rule change is designed to prevent disruptive conduct on the trading floor, and is vital to ensuring the orderly operation of the Exchange. Accordingly, the Commission believes that good cause exists to approve the rule filing on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW.,

[1] PHLX Rule 60 authorizes Floor Officials and Exchange Officials to impose on members and member organizations assessments of up to $1,000.00 per occurance for breaches of regulations relating to order, decorum, health, safety and welfare on the Exchange. In addition, PHLX Rule 60 allows two Floor Officials to refer a matter to the Business Conduct Committee, which may impose additional fines and sanctions.

[2] See letter from Edith Helman, Law Clerk, PHLX, to Thomas Gira, Branch Chief, Options Regulation, SEC, dated June 10, 1991.

Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filled with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by July 17, 1991.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[3] that the proposed rule change (SR-PHLX-91-09) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 19, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-1514 Filed 6-25-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-29324; File No. SR-PHLX-91-16]

Self-Regulatory Organizations; Filing of Proposed Rule Change by Philadelphia Stock Exchange, Inc., Relating to Options Floor Procedure Advice A-13—Auto Execution Engagement/Disengagement Responsibility

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 24, 1991, the Philadephia Stock Exchange, Inc. ("PHLX") or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission's is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX proposes to adopt new Options Floor Procedure Advice ("OFPA") A-13, entitled "Auto Execution Engagement/Disengagement Responsibility," which will require options specialists to activate the Automatic Execution ("Auto-X") feature of the Exchange's Automated Options Market ("AUTOM") system [1] within three minutes of concluding an opening or reopening rotation of an options class and provide that options specialists may only disengage Auto-X under extraordinary circumstances with the prior approval of two Floor Officials. The text of the proposed rule change is available at the Office of the Secretary, PHLX and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The PHLX proposes to adopt new OFPA A-13 to govern the engagement and disengagement of Auto-X. Currently, floor operations personnel activate Auto-X, and each specialist must contact this staff in order to activate or deactivate Auto-X. In the future, the PHLX intends to implement a mechanism which will allow each specialist to activate Auto-X from each trading post on the floor. Under proposed OFPA A-13, each option specialist will be required to engage Auto-X for an assigned option within three minutes of completing the opening or reopening rotatation of that option. This three-minute time frame corresponds to the period when the duty to provide ten-up markets begins.

In addition, the proposal provides that a specialist may be exempted from receiving orders through Auto-X under extraordinary circumstances, and may disengage the system upon approval by two Floor officials.

Proposed OFPA A-13 provides the following schedule of fines and sanctions for failure to engage Auto-X: (1) A warning for the first occurrences; (2) fines in the amount of $100.00, $250.00, and $500.00, respectively, for the second, third and fourth occurrences; and (3) a sanction discretionary with the Business Conduct Committee for the fifth occurrence and subsequent violations. The proposal also imposes a $500.00 fine for the first failure to disengage Auto-X without prior approval, and a sanction discretionary with the Business Conduct Committee for subsequent violations.

The PHLX states that the purpose of the proposed rule change is to maximize floor-wide use of the Auto-X feature of AUTOM so that the system's benefits may be extended to more PHLX member firms and customers. The PHLX represents the AUTOM and Auto-X increase the speed and efficiency of routing and executing orders on the PHLX. Thus, the PHLX maintains that the proposed rule change is consistent with the Act, and, in particular, with section 6(b)(5), because it is designed to foster coordination among those facilitating transactions in and processing information regarding securities and because it is designed to prevent fraudulent and manipulative acts and practices by providing a uniform standard for options specialists to activate and deactivate Auto-X.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

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[3] 15 U.S.C. 78s(b)(2) 1988.

[1] AUTOM is an electronic system that allows delivery of small options orders from member firms directly to the PHLX trading floor and also provides automatic execution for certain options orders.

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submission should refer to the file number of the caption above and should be submitted by July 17, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 17, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-15116 Filed 6-25-91; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Areas #2511 and #2512]

Kentucky (With Contiguous Counties in Tennessee); Declaration of Disaster Loan Area

Logan County and the contiguous counties of Butler, Muhlenberg, Simpson, Todd, and Warren in the State of Kentucky and Robertson County in the State of Tennessee constitute a disaster area as a result of damages caused by tornadoes, severe storms, torrential rains, and flooding which occurred between March 22 and April 1991. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on August 12, 1991 and for economic injury until the close of business on March 12, 1992 at the address listed below: Disaster Area 2 Office, Small Business Administration, One Baltimore Place, suite 300, Atlanta, GA 30308, or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Business and non-profit organizations without credit available elsewhere	4.000
Others (Including non-profit organizations) with credit available elsewhere	9.125
For Economic Injury:	
Businesses and small Agricultural cooperatives without credit available elsewhere	4.000

The numbers assigned to this disaster for physical damage are 251112 for Kentucky and 251212 for Tennessee. For economic injury the numbers are 733000 for Kentucky and 733100 for Tennessee.

(Catolog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated June 12, 1991.

June M. Nichols,

Acting Administrator.

[FR Doc. 91-15233 Filed 6-25-91; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Areas #2508, #2509, #2510]

South Dakota (With Contiguous Counties in Minnesota & Iowa); Declaration of Disaster Loan Area

Minnehaha County and the contiguous counties of Lake, Lincoln, McCook, Moody, and Turner in the State of South Dakota; Pipestone and Rock Counties in the State of Minnesota; and Lyon County in the State of Iowa constitute a disaster area as a result of damages caused by a fire which occurred in the Hanson Office Building in the City of Sioux Falls on May 25, 1991. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on August 12, 1991 and for economic injury until the close of business on March 12, 1992 at the address listed below: Disaster Area 4 Office, Small Business Administration, P.O. Box 13795, Sacramento, CA 95853-4795, or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	9.125
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The numbers assigned to this disaster for physical damage are 250805 for South Dakota; for Minnesota; and 251005 for Iowa. For economic injury the numbers are 732300 for South Dakota; 732400 for Minnesota and 732500 for Iowa.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 12, 1991.

June M. Nichols,

Acting Administrator.

[FR Doc. 91-15231 Filed 6-25-91; 8:45 am]

BILLING CODE 8025-01-M

Interest Rates

The interest rate on section 7(a) Small Business Administration direct loans (as amended by Pub. L. 97-35) and the SBA share of immediate participation loans is 9⅛ percent for the fiscal quarter beginning July 1, 1991.

On a quarterly basis, the Small Business Administration also publishes an interest rate called the optional "peg" rate (13 CFR 122.8-1(d)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. For the July-September quarter of FY 91, this rate will be 8⅛ percent.

Charles R. Hertzberg,

Assistant Administrator for Financial Assistance.

[FR Doc. 91-15232 Filed 6-25-91; 8:45 am]

BILLING CODE 8025-01-M

National Advisory Council Public Meeting

The U.S. Small Business Administration, National Advisory Council, will hold a public meeting from 6 p.m. on Wednesday, July 10, to 12 noon

on Friday, July 12, 1991, at the Mayflower Hotel, 1127 Connecticut Avenue, NW, Washington, DC, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Jean M. Nowak, Director, Office of Advisory Councils, U.S. Small Business Administration 403 3rd Street, SW, Washington, DC 20416, telephone (202) 205–6434.

Dated: June 20, 1991.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 91–15230 Filed 6–25–91; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[BS–AP–NO. 3041]

Consolidated Rail Corp.; Public Hearing

The Consolidated Rail Corporation has petitioned the Federal Railroad Administration (FRA) seeking approval of the following: The proposed discontinuance and removal of the traffic control system on the single main track from Hornell, New York, Cass Street Interlocking, milepost 331.8, to Salamanca, New York, "WC" Interlocking, milepost 414.0, on the Meadville Line of the Albany Division; classify the main track as a secondary track; and operate under manual block signal system rules with block limit stations at Wells, milepost 358.5, Cuba, milepost 383.8, and Sal, milepost 410.7. This proceeding is identified as FRA Block Signal Application Number 3041.

The FRA has issued a public notice seeking comments of interested parties and conducted a field investigation in this matter. After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on Thursday, August 22, 1991, in room 165 of the New York State Office Building located at 107 Broadway Street in Hornell, New York. Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC on June 18, 1991.

Grady C. Cothen, Jr.,

Associate Administrator for Safety.

[FR Doc. 91–15090 Filed 6–25–91; 8:45 am]

BILLING CODE 4910–06–M

[BS–AP–NO. 3069, 3071, and 3072]

Wheeling and Lake Erie Railway Co. Public Hearing

The Wheeling & Lake Erie (W&LE) Railway Company has petitioned the Federal Railroad Administration (FRA) seeking approval of the following: the proposed discontinuance and removal of the traffic control system on the railroad formerly known as the Pittsburgh and West Virginia, from Pittsburgh Junction, Ohio, milepost C–111.20 to Connellsville, Pennsylvania, milepost C–0.00, including the Mifflin Branch (3.5 miles) and the Clairton branch (5.6 miles); the proposed discontinuance and removal of the traffic control system from Richville, Ohio, milepost CZ 65.9, to Run Junction, Ohio, milepost CZ 72.1, on the Canton District of the W&LE Railway Company; and the proposed discontinuance and removal of the traffic control system from Adena, Ohio, milepost T–192.8 to Rexford, Ohio, milepost T–184.1 on the Valley Branch, Pittsburgh Division. These proceedings are identified as FRA Block Signal Application Numbers 3069, 3071, and 3072 respectively.

The FRA has issued a public notice seeking comments of interested parties and conducted a field investigation in this matter. After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on Tuesday, August 20, 1991, in room 2212 of the William S. Moorhead Federal Building located at 1000 Liberty Avenue in Pittsburgh, Pennsylvania. Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one, and will be conducted in accordance with rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC on June 18, 1991.

Grady C. Cothen, Jr.,

Associate Administrator for Safety.

[FR Doc. 91–15089 Filed 6–25–91; 8:45 am]

BILLING CODE 4910–06–M

Maritime Administration

Change of Name and Removal From Roster of Approved Trustees

Notice is hereby given pursuant to 46 CFR part 221 that on October 1, 1990, First Pennsylvania Bank, N.A., SE. Corner, 15th and Chestnut Streets, Philadelphia, Pennsylvania, merged with and into the entity previously named the Philadelphia National Bank, Broad and Chestnut Streets, Philadelphia, Pennsylvania. As the survivor of said merger, the Philadelphia National Bank changed its name to CoreStates Bank, N.A., and continues on the Roster of Approved Trustees under its new name. Therefore, the old entity named First Pennsylvania Bank, N.A., is removed from the Roster of Approved Trusteers, pursuant to Public Law 100–710 and 46 CFR 221.55 (successor to Public Law 89–346 and 46 CFR 221.221.30).

Dated: June 20, 1991.

By Order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 91–15202 Filed 6–25–91; 8:45 am]

BILLING CODE 4910–81–M

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition

This notice sets forth the reasons for the denial of a petition submitted to the National Highway Traffic Safety Administration (NHTSA) under section 124 of the National Traffic and Motor Vehicle Safety Act of 1966 (the Act), as amended (15 U.S.C. 1381 *et seq.*)

The Center for Auto Safety (CAS) submitted a petition dated February 19, 1991, requesting NHTSA to investigate the automatic shoulder belts of 1988 Sterling 825 SL vehicles. As the basis for the petition, CAS submitted two similar reports of chronic automatic shoulder belt failures on these vehicles.

On May 14, 1991, NHTSA received a safety defect information report from Sterling Motor Cars (Sterling) stating that Sterling would conduct a safety-related defect remedy campaign covering all Sterling 825 SL vehicles, model years 1987 and 1988, equipped with automatic shoulder belts (NHTSA Recall No. 91V–077). Through an upgrade campaign (referred to as Action Code F750 by Sterling) which started in December 29, 1988, Sterling replaced the belts on 85 percent and 72 percent of model year 1987 and 1988 vehicles, respectively, with the belts used in 1989 and later model year vehicles. Therefore, Sterling will notify only the remaining owners of these vehicles to replace the belts with the belts useds in 1989 and later model year vehicles. Because the manufacturer has taken action to remedy all model year 1987 and 1988 vehicles, including a recall action under the requirements of the Act, CAS's petition was denied.

Authority: Sec. 124, Pub. L. 93–492: 88 Stat. 1470 (15 U.S.C. 1410a); delegations of authority at 49 CFR 1.50 and 501.8

Issued on: June 13, 1991.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 91–15103 Filed 6–25–91; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 238]

Delegation of Authority in the Actuarial Resolutions Program

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: Delegation Order No. 238 permits authority to be delegated to EP/EO Division Chiefs to enter into Closing Agreements relating to Internal Revenue Liability in cases under the Actuarial Resolutions Program. The authority delegated extends to the penalties and excise taxes arising out of or relating to the pension deductions at issue. The agreements may address to total tax liability of the person for the years at issue. The Chief, EP/EO Division is authorized to redelegate his authority to EP/EO Management Officials not below grade GM–13. The text of the delegation order appears below.

EFFECTIVE DATE: July 1, 1991.

FOR FURTHER INFORMATION CONTACT: Monty Wolf, E:O:E, room 2238, 1111 Constitution Avenue, NW., Washington, DC 20224, (202) 566–6381 (not a toll free call).

[Order No. 238]

Effective Date: July 1, 1991.

Delegation of Authority in the Actuarial Resolutions Program

The authority vested in the Commissioner of the Internal Revenue by 26 CFR 301.6020–1, 26 CFR 301.7121–1(a), 26 CFR 301.7701–9, and Treasury Order No. 150–7, Treasury Order No. 150–9, and Treasury Order No. 150–10, as revised, authorizes the execution of closing agreements with taxpayers on EP actuarial cases with respect to the tax liability resulting from adjustments to the pension deduction (Actuarial Resolutions Program), and is hereby delegated as follows:

1. The Assistant Commissioner (EP/EO), the Assistant Regional Commissioners (Examination), and District Directors are hereby authorized in cases under their jurisdiction to enter into and approve a written agreement with any person or persons relating to the Internal Revenue liability of such person or persons (or of the person or persons or estate for whom he/she acts) to close cases under the Actuarial Resolutions Program. The authority delegated herein extends to the penalties and excise taxes arising out of or relating to the pension deductions at issue. The agreements may address the total tax liability of the person for the years at issue. The agreements will be Agreements as to Specific Matters and as to Final Determinations of Tax Liability.

2. The Assistant Regional Commissioners (Examination) and the District Directors may redelegate their authority over these cases (including TEFRA Partnership Key cases and the related Investor cases) to the Chief, EP/EO Division, in the Key District Office in their region/district. The Chief, EP/EO Division, is authorized to further redelegate his/her authority to EP/EO Management Officials not below grade GM–13.

3. This delegation order will remain in effect until such time as the Actuarial Resolutions Program is withdrawn by the Internal Revenue Service.

Dated: June 14, 1991.

David G. Blattner,

Chief Operations Officer.

[FR Doc. 91–15149 Filed 6–25–91; 8:45 am]

BILLING CODE 4830–01–M

Performance Review Board

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of members of Senior Executive Service Performance Review Board.

EFFECTIVE DATE: Performance Review Board effective June 2, 1991.

FOR FURTHER INFORMATION CONTACT: DiAnn Kiebler, HR:H:E, room 3515, 1111 Constitution Avenue, NW., Washington, DC 20224, Telephone No. (202) 566–4633 (not a toll free number).

SUPPLEMENTARY INFORMATION: Pursuant to section 4314(c)(4) of the Civil Service Reform Act of 1978, the members of the Internal Revenue Service's Senior Executive Service Performance Review Board for senior executives other than Regional Commissioners, Assistant Commissioners and executives in Inspection and the Office of the Commissioner are as follows:

Michael J. Murphy, Deputy Commissioner, Chairperson.
Elmer Keltke, Regional Commissioner, Midwest Region.
Leon Moore, Regional Commissioner, Central Region.
Helen L. White, Assistant to the Commissioner (Equal Opportunity).
Robert T. Johnson, Assistant Commissioner (Human Resources and Support).
Walter A. Hutton, Jr., Assistant Commissioner (Information Systems Management).
Inar Morics, Assistant Commissioner (Criminal Ivestigation).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978 (43 FR 52122).

Frederick T. Goldberg, Jr.,

Commissioner.

[FR Doc. 91–15148 Filed 6–25–91; 8:45 am]

BILLING CODE 4830–01–M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 123
Wednesday, June 26, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of June 24, 1991.

A closed meeting will be held on Tuesday, June 25, 1991, at 2:30 p.m. An open meeting will be held on Thursday, June 27, 1991, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Fleischman, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 25, 1991, at 2:30 p.m., will be:

Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Settlement of injunctive actions.
Formal order of investigation.
Withdrawal of injunctive action.

The subject matter of the open meeting scheduled for Thursday, June 27, 1991, at 10:00 a.m., will be:

The Commission will hear oral argument on appeals from the decision of an administrative law judge by Donald T. Sheldon, president of both Donald Sheldon & Co., Inc., a registered broker-dealer, and Donald Sheldon Government Securities, Inc., a dealer in U.S. Government-backed securities; Bruce W. Reid, branch manager of the firms' Houston office; and the Commission's Division of Enforcement. For further information, please contact Kermit B. Kennedy at (202) 272–7400.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jonathan Gottlieb at (202) 272–2200.

Jonathan G. Katz,

Secretary.

Dated: June 14, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–15331 Filed 6–24–91; 2:20 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 56, No. 26
Wednesday, June 26, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[FV-91-330]

RIN 0581-AA19

Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products Regulations Governing Inspection and Certification

Correction

In rule document 91-11458 beginning on page 27898 in the issue of Tuesday, June 18, 1991, make the following correction:

§ 52.51 [Corrected]

On page 27899, in § 52.51(d)(1), "$35.50" should read "$34.50".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR-37]

Availiabilty of Final Toxicological Profiles

Correction

In notice document 91-14176 beginning on page 27261, in the issue of Thursday, June 13, 1991, make the following correction:

On page 27262, in the second columm of the table, in the sixth line from the bottom, "PB/91/18180448/AS" should read "PB/91/180448/AS".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-940-4214-10; NMNM 86060]

Proposed Withdrawal and Opportunity for Public Meeting; New Mexico

Correction

In notice document 91-13465 appearing on page 26436, in the issue of Friday, June 7, 1991, in the second column, in land description New Mexico Principal Meridian, in the third line "50" should read "40".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Office of Foreign Assests Control

31 CFR Part 570

Kuwaiti Assets Control Regulations

Correction

In rule document 91-13521 beginning on page 26034 in the issue of Thursday, June 6, 1991, make the following correction:

§ 570.603 [Corrected]

On page 26035, in the second column, in amendatory instruction 3, "570.602" should read "570.603".

BILLING CODE 1505-01-D

federal register

Wednesday
June 26, 1991

Part II

Department of Agriculture

Forest Service

36 CFR Part 242

Department of the Interior

Fish and Wildlife Service

50 CFR Part 100

1991–1992 Seasons and Bag Limits for Subsistence Management Regulations for Public Lands in Alaska; Final Temporary Rule

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018-AB43

1991-1992 Seasons and Bag Limits for Subsistence Management Regulations for Public Lands in Alaska, Final Temporary Rule

AGENCY: Forest Service, USDA. Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule amends the Temporary Subsistence Management Regulations for Public Lands in Alaska implementing the subsistence priority for rural residents of Alaska under title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980 by making limited changes to subpart D to provide for the seasons and bag limits for the 1991-92 regulatory year, and by simplifying previous language. The changes are necessary because the Temporary Regulations were specific to conditions and biological knowledge that existed previously, the situation with regard to this program is changing rapidly, and opportunities exist to reduce public confusion relative to the program. This action clarifies the regulations and makes them more attuned to the subsistence user relative to the present status of wildlife populations, while still providing adequate protection for the fish and wildlife populations on public lands. Subpart D must be used in conjunction with subparts A, B and C.

EFFECTIVE DATE: July 1, 1991.

FOR FURTHER INFORMATION CONTACT: Richard S. Pospahala, Office of Subsistence Management, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3447. For questions specific to National Forest System lands, contact Norman Howse, Assistant Director, Subsistence, USDA—Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802; telephone (907) 586-8890.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126) requires the Secretary of the Interior and the Secretary of Agriculture (Secretaries) to implement a joint program to grant a preference in favor of subsistence uses of fish and wildlife resources on public lands unless the State of Alaska enacts and implements laws of general applicability consistent with ANILCA's requirements for the definition, preference and participation specified in sections 803, 804 and 805. The State implemented such a program which the Department of the Interior previously found to be consistent with ANILCA. In December 1989, however, the Alaska Supreme Court ruled in *McDowell* v. *State of Alaska* that the rural preference in the State subsistence statute, which is required by ANILCA, violated the Alaska Constitution. The Court stayed the effect of the decision until July 1, 1990.

As a result of that decision, the Department of the Interior and the Department of Agriculture (Departments) were required to take over the implementation of title VIII of ANILCA on Federal public lands on July 1, 1990. On June 29, 1990 the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the **Federal Register** (55 FR 27114). This program is administered by a Federal Subsistence Board (Board) made up of representatives of the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs and USDA-Forest Service. These five agencies within the Federal Government are responsible for management of lands covered by title VIII of ANILCA. All agencies cooperatively developed these regulations. All Board members have reviewed this rule and concur in its implementation. Because these regulations relate to lands managed by agencies in both the Departments of Agriculture and the Interior, identical text is hereby incorporated into 36 CFR part 242 and 50 CFR part 100.

These season and bag limit changes will impact the subsistence uses of fish and wildlife resources on Federal public lands in Alaska managed by the Fish and Wildlife Service, National Park Service, Bureau of Land Management, USDA-Forest Service, Bureau of Indian Affairs, Air Force, Army and various other Federal land managing agencies.

The Board has realized that changes were needed in the seasons and bag limits in subpart D, to protect various wildlife populations, recognize changes in population status, better meet the needs of the subsistence users, and to simplify the earlier regulations. Because of these problems, the Board issued on December 15, 1990, a notice calling for proposed changes to the seasons and bag limits for the regulatory period beginning July 1, 1991. The closing date for these proposals was January 15, 1991. The Board received 132 proposals which were then examined by an interagency Staff Committee. A number of those proposals were beyond the scope of regulation changes for the 1991-92 season. These included proposals to change the structure of Federal subsistence management, proposals dealing with the advisory council system, proposals addressing navigable waters, and proposals which address customary and traditional determination issues. There were 104 such proposals, which the Board referred to the environmental impact statement team and other members of the subsistence staff preparing final regulations and reviewing public comment on these specific subjects.

The remainder of the proposals were closely examined by the Board during a public meeting conducted March 4-7, 1991. At that time, comments were solicited on each proposal and the Board took formal action to propose regulations. The Proposed Regulations were published in the **Federal Register** (56 FR 15402) on April 16, 1991, and a public hearing to receive comments was conducted in Anchorage on April 24, 1991. Because of the short time available, the opportunity for public review and comment after publishing in the **Federal Register** was limited.

An extension of the effective date of the Temporary Federal Subsistence Management Regulations would provide adequate time for a detailed public review period during the development of permanent regulations and preparation of an environmental impact statement, and to align the regulations with the traditional regulatory year within the State of Alaska. A separate rulemaking to extend the Temporary Regulations will be pursued soon. Consequently the seasons and bag limits herein reflect a complete regulatory year although they presently will expire on December 1, 1991. During the public comment period for the Temporary Regulations, numerous entities were concerned about the short review period and requested more review time during the development of the final regulations. Historically, the regulatory year for hunting and fishing regulations begins on July 1 of each year. A six month extension will align the regulations to what has been customary and provide for ample public review of the final regulations and impact statement during their development.

Although the changes herein are quite lengthy, much of the material is merely a reformatting of prior regulations to make

the rules more readable and understandable by the user. The new format organizes the regulations geographically by Game Management Unit and then by species within each unit. This new format will allow a user to easily determine the regulation that affects him or her by reading under the Game Management Unit in which he or she may be hunting.

Subpart D continues to adopt extensively existing State regulations dealing with methods and means of take. The State regulations are codified in title 5 of the Alaska Administrative Code. In many cases the language is verbatim from the State regulations. In other cases minor modifications have been made to make the regulation specific to this Federal program or Federal public lands. Subpart D must be used in conjunction with subparts A–C which remain valid. These temporary regulations attempt throughout to limit change from the State regulations to that necessary to fulfill the Secretaries' responsibilities pursuant to title VIII.

Summary of Comments

There were 8 persons who offered oral comments at the meeting, and the Board received an additional 21 written comments from the public.

Analysis of Comments

(a) Alaska National Interest Lands Conservation Act

Several people commented that they felt the ANILCA subsistence preference for rural residents of Alaska was unconstitutional and objected to the establishment of these regulations which allow for rural subsistence priority. Several comments called for an amendment to ANILCA.

ANILCA mandates a priority for subsistence uses by rural residents on public lands. The Departments of the Interior and Agriculture have no authority to make any other interpretation since the rural priority is a provision of Federal law. Until such time as the law is changed, the Federal government must provide a subsistence priority to rural Alaskan residents for use of fish and wildlife resources on public lands.

(b) Definition of Public Lands

There were comments on the exclusion of navigable waters from the definition of public lands. There was a great deal of concern that the exclusion of navigable waters eliminated the majority of subsistence fishing, critical to the well being of rural communities. Some concerns here expressed also that the sport take of migratory species on State lands affects their numbers for subsistence purposes on public lands.

The United States generally does not hold title to navigable waters and thus navigable waters generally are not included within the definition of public lands. Navigable waters are those waters used or susceptible of being used in their ordinary condition as highways for commerce over which trade and travel are or may be conducted in the customary modes of trade and travel on water.

The scope of these regulations is limited by the definition of public lands in section 102 of ANILCA. Lands validly selected by the State or Native corporations are therefore excluded from this public lands definition.

(c) Adoption of State Regulations

There were comments on both sides of the issue of adopting State regulations for Federal subsistence management. A number of commenters said the Federal government should not automatically adopt the State regulations, while others advocated working closely with the State and adopting existing regulations.

In view of the uncertainty over the resumption of State management of subsistence, a major objective of the Federal program has been to minimize disruption to Alaskans and the State's continuing fish and game management, yet still fulfill the requirements of title VIII. These regulations use existing State of Alaska regulations relevant to subsistence management as much as possible. The majority of seasons and bag limits and methods and means of harvest regulations in subpart D are very similar or identical to the current State regulations. State regulations promulgated prior to the effective date of the McDowell decision are presumed to fulfill the title VIII requirements since the State's program was considered to meet the general applicability requirements of section 805(d) of ANILCA. The relatively few changes made were to adapt the State regulations to address public lands or to conform to legal requirements, such as direction received from recent court rulings. Some changes were made in subsistence bag limits or seasons after a review revealed that existing State regulations may not provide adequate opportunity for subsistence use on public lands by rural residents.

(d) Public Involvement

One comment was received that the comment period was much too short. Certainly more public involvement would have been desirable and valuable, and under normal circumstances would have occurred; but the time frame to develop the 1991–92 seasons and bag limits was very limited. During the development of these regulations, initial proposals were solicited from December 15, 1990, through January 15, 1991. After that, a summary of the proposals was sent out for review and the Board held a public meeting March 4–7, 1991, during which public testimony was accepted. Based on that testimony, the Board published a formal proposal (56 FR 15402) with a final comment period. These periods totaled in excess of 75 days in which the public could provide comments.

(e) Community Season and Bag Limits

There were a number of comments advocating that the Federal government should establish community bag limits for subsistence take rather than adopt the State's program of having only individual bag limits.

The issue of community season and bag limits is an important issue. To address this issue requires more time, public involvement and information than was available during the development of these regulations. Community season and bag limits and ceremonial uses, e.g., funeral potlatches, will be addressed during development of programmatic regulations and subsequent annual adjustments to subsistence use regulations. In addition, the Federal Government does not believe that the McDowell decision eliminated the State's ability to provide fish and wildlife for funeral potlatches.

(f) Customary and Traditional Issue

Comments were received that the proposed regulations should follow customary and traditional harvest seasons and patterns with those being designed to match as closely as possible the customary and traditional lifestyles of rural Alaskans, including accommodation of any religious use of fish and wildlife. Some commented more specifically that certain communities or areas should be determined to have customary and traditional uses of specific fish and wildlife populations on public lands.

As noted previously, the intent of these temporary regulations is to provide for the subsistence priority for rural Alaskans as required by AN-ILCA. Given the short time frame to prepare and implement these regulations existing State determinations of customary and traditional use were adopted. The State's customary and traditional determinations will be reviewed, as necessary, by the Board. This review could include consideration of prior cultural patterns wherein

traditional harvest seasons and patterns would be evaluated for possible changes to recent State seasons or bag limits. Also, any issues concerning customary and traditional religious use of fish and wildlife would be relevant for formal consideration, as would a wide range of other potential issues. Overall, the intent of the Federal program is to be sensitive to the customary and traditional patterns for subsistence use of fish and wildlife by rural Alaskans, meaning that Federal decisions related to this matter would try to reasonably accommodate any such use patterns.

(g) Closures

Some comments were received expressing concern that the temporary regulations do not allow for emergency closures to protect wildlife populations.

These regulations do allow for such closures. Section _____.17(b) states, "In an emergency situation, the Board may direct immediate closure of public lands to any or all hunting or fishing, including subsistence take." The word "any" in this section allows the Board to close an area to sport and/or commercial harvest while allowing subsistence harvest to continue.

(h) Permits/Licenses

A number of commenters opposed the requirement for any kind of permit system, especially requiring individuals to obtain permits to use fish and wildlife resources. Commenters also objected to the requirement for State permits and licenses for subsistence take on public lands.

The intent of these regulations is to minimize Federal permit requirements. Where State and Federal season and bag limit regulations vary, Federal permits may be required to ensure that adequate subsistence opportunity is provided to rural residents while ensuring healthy fish and wildlife populations.

(i) Navigable Waters

Ever since publication of the Temporary regulations, there has been confusion over the statement about "navigable waters generally are not included * * *."

These regulations still generally do not apply to navigable waters. However, clarification is being made for the benefit of the public, in those cases where withdrawals of Federal lands and waters were made prior to statehood and the Federal government continues to exercise control. It is not the intent of the Board to establish any season, bag limit or method of take different from that imposed by State regulations on navigable waters.

The introductory language to the specific regulations for each of the thirteen Fishery Management Areas describes the intended extent of Federal regulatory jurisdiction over subsistence fishing. This introductory language describes any exceptions to the general rule that Federal regulatory authority does not extend to navigable or marine waters. The introductory description of regulatory authority for each Fishery Management Area will control over any other specific provisions in the regulations for that Area.

(j) Other Comments

Several general comments were expressed on a limited basis by a few people. These comments included such topics as wording clarifications, editorial corrections, the need for maps of Federal lands, addresses and locations of all management offices; the need for more conservation, education, and so forth.

The Federal Government appreciates these comments, will make the corrections where appropriate, and will consider them in the development of a public information document describing these regulations.

(k) Unit or Species Specific Comments

(1) Numerous comments sought to restrict either seasons or bag limits of various species either without adequate justification or based on the assumption that the population might be particularly vulnerable during one part of the year.

The Board's primary functions are to protect both the wildlife resources and the subsistence opportunity. In order to do so, the Board will only make decisions based on substantial evidence.

(2) In three cases a commenter requested that a season be opened to coincide with a new State season.

The Board amended the proposed regulations to provide for similar subsistence seasons to allow adequate opportunity for subsistence harvest.

(3) In a few cases commenters requested more flexibility in the establishment of season to take into account vagaries in the weather that might restrict subsistence opportunities.

The Board amended the proposed regulations in those places to provide for a season to be opened through announcement.

Programmatic Regulations

The Temporary Regulations expire on December 31, 1991. The Federal government is now beginning development of programmatic regulations in the event that the State of Alaska is unable to resume subsistence management on Federal public lands. Some 58 public meetings have already been held in the affected areas to solicit comments on a long-term program. The Federal government is preparing an Environmental Impact Statement on this program and will then publish proposed programmatic regulations. In response to public comments and agency and legislative mandates, those will be revised and published as final regulations within the effective period of the Temporary Regulations. Once implemented, these programmatic regulations will remain in effect permanently or until the State of Alaska brings its subsistence program back into compliance with ANILCA.

Conformance with Statutory and Regulatory Authorities

The impact of these regulations on subsistence uses has been evaluated under section 810 of ANILCA, even though it is not clear that this is an action subject to section 810. Subsistence use and access is expected to differ little from that previously allowed under State management. If change occurs it is expected to be beneficial to subsistence users. The regulations are consistent with the purposes and intent of section 810 and present no significant possibility of a significant restriction on subsistence activities.

Properly regulated and managed subsistence use is consistent with the purposes for which the various public lands in Alaska were established.

National Environmental Policy Act Compliance

The Federal assumption of subsistence management will generally maintain the status quo from the user's perspective. Changes in environmental effects will be negligible. Therefore, the implementation of reformatted regulations and minor season and bag limit changes in the Temporary Subsistence Management Regulations for Public Lands in Alaska is determined to be a categorical exclusion as detailed in the USDI Departmental Manual (516 DM 6, appendix 1), USDA regulations at 7 CFR 16.3, USDA Forest Service Manual 1950, I.D. 2 and 17, and USDA Forest Service Handbook 1909.15, I.D. 2 and 17.

Paperwork Reduction Act

These rules contain information collection requirements subject to Office of Management and Budget (OMB) approval under 44 U.S.C. 3501 *et seq.* They apply to subsistence users of Federal public lands in Alaska.

The information collection requirements described above are approved by the OMB under 44 U.S.C. 3501 and have been assigned clearance number 1018–0075.

Public reporting burden for this form is estimated to average .1382 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW., MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018–0075), Washington, DC 20503. Additionally, information collection requirements may be imposed if the councils and committees subject to the Federal Advisory Committee Act are established under subpart B. Such requirements will be submitted to OMB for approval prior to their implementation.

Economic Effects

Executive Order 12291, Federal Regulation, of February 19, 1981, requires the preparation of regulatory impact analysis for major rules. A major rule is one likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions.

The Departments of the Interior and Agriculture have determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291, and certify that it will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities. The number of small entities affected is unknown, but the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue pre-existing uses of Federal public lands indicates that they will not be significant.

These regulations do not meet the threshold criteria of "Federalism Effects" as set forth in Executive Order 12612. Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain Federal lands. Likewise, these regulations have no significant takings implication relating to any property rights as outlined by Executive Order 12630.

William Knauer, Subsistence Office, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska, is the primary author of this rulemaking document, working under the direction of Richard S. Pospahala and the Federal Subsistence Board, Curtis V. McVee, Chairman.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National Forests, Public Lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, chapter I, subchapter H of title 50 and chapter II of title 36 of the Code of Federal Regulations are amended in an identical fashion in 36 CFR part 242 and 50 CFR part 100 as follows:

1. The authority citation for 50 CFR part 100 and 36 CFR part 242 continues to read as follows:

Authority: 16 U.S.C. 472, 551, 668dd *et seq.*, 3101 *et seq.*; 18 U.S.C. 7, 3559, 3571; 43 U.S.C. 1733.

PART_____—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

§ ____.14 [Amended]

2. Section _____.14(a) is revised to read as follows:

§ ____.14 Relationship to State procedures and regulations.

(a) State of Alaska fish and wildlife regulations apply to Federal public lands unless the Board finds it necessary to promulgate regulations which augment or supercede State regulations in order to ensure the priority for subsistence use of fish or wildlife on Federal public lands.

* * * * *

3. Subpart D—Subsistence Hunting, Trapping, and Fishing is revised to read as follows:

Subpart D—Subsistence Hunting, Trapping, and Fishing [1]

Sec.

_____.23 Subsistence hunting and trapping.
_____.24 Subsistence fishing.
_____.25 Shellfish.

Subpart D—Subsistence Hunting, Trapping, and Fishing

§ _____.23 Subsistence hunting and trapping.

(a) Definitions—The following definitions shall apply to all regulations contained in this subpart:

ADF&G means the Alaska Department of Fish and Game.

Aircraft means a fixed-wing machine or device that is used or intended to be used to carry persons or objects through the air, including airplanes and gliders.

Airport means an airport listed in the Federal Aviation Administration, Alaska Airman's Guide and chart supplement.

Animal means those species with a vertebral column (backbone).

Bag limit means the number of any one species permitted to be taken by any one person in the unit or portion of a unit in which the taking occurs; however, additional numbers of a species may be taken in another designated open unit or portion of a unit where a greater limit on that species is prescribed. In no case may the total or cumulative bag for one person or designated group exceed the limit set for the unit or portion of a unit in which the additional animals are taken. A subsistence bag limit and a general bag limit for the same species are not cumulative.

Big game means black bear, brown and grizzly bear, bison, caribou, deer, elk, mountain goat, moose, musk oxen, Dall sheep, wolf and wolverine.

Bow means long bow, recurve bow, or compound bow, but not crossbow.

Broadhead means an arrowhead with two or more steel cutting edges having minimum cutting diameter of not less than seven-eighths inch.

Brow tine means a tine on the front portion of a moose antler, typically projecting forward from the base of the antler toward the nose.

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[1] Subpart D closely follows existing State Fish and Game regulations which are codified in title 5 of the Alaska Administrative Code. In many cases the language is identical to state regulation or modified so it applies only to this Federal program on public lands. The regulations note particular State of Alaska provisions from which they were derived.

Bull moose means any male moose.

Closed season means the time when wildlife may not be taken.

Cub bear means a brown or grizzly bear in its first or second year of life, or a black bear (including cinnamon and blue phases) in its first year of life.

Dire emergency means a situation in which a person:

(i) Is in a remote area;

(ii) is involuntarily experiencing an absence of food required for sustenance;

(iii) will be unable to perform the functions necessary for survival, leading to a high risk of death or serious and permanent health problems if wild game food is not immediately taken and consumed; and

(iv) cannot expect to obtain alternative food sources in time to avoid the consequences described in paragraph (iii) of this definition.

Full curl horn means the horn of a male Dall sheep, the tip of at least one of which has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or that both horns are broken or that the sheep is at least eight (8) years of age as determined by horn growth annuli.

Fur animal means coyote, arctic fox, red fox, lynx, or red squirrel, except domestically raised fur animals; "fur animals" is a classification of animals subject to taking with a hunting license.

Furbearer means beaver, coyote, arctic fox, red fox, lynx, marten, mink, weasel, muskrat, river (land) otter, red squirrel, flying squirrel, marmot, wolf or wolverine; "fur bearers" is a classification of animals subject to taking with a trapping license.

Highway means the drivable surface of any constructed road.

Household means that group of people domiciled in the same residence.

Hunting area for a species means that portion of a game management unit where a subsistence season and a bag limit for that species are set.

Motorized vehicle means a motor-driven land, air, or water conveyance.

Open season means the time when wildlife may be taken; each period prescribed as an open season includes the first and last days of the period prescribed.

Permit hunt means a hunt for which State or Federal permits are issued by drawing, registration or other means.

Poison means any substance which is toxic or poisonous upon contact or ingestion.

Registration permit means a hunting permit issued to a person who agrees to the conditions specified for each hunt; permits are issued in the order applications are received, and are issued:

(i) Beginning on a date announced and continuing throughout the open season, or until the season is closed by emergency order when a harvested quota is reached; or

(ii) Beginning on a date announced and continuing until a predetermined number of permits has been issued.

Sealing means placing a mark or tag on a portion of an animal by an authorized representative of the ADF&G; "sealing" includes collecting and recording information concerning the conditions under which the animal was harvested and measurements of the specimen submitted for sealing or surrendering a specific portion of the animal for biological information.

Seven-eighths curl horn means the horn of a Dall sheep, the tip of which has grown through seven-eighths of a circle (315 degrees), described by the outer surface of the horn, as viewed from the side, or with both horns broken.

Skin, hide and pelt are all the same thing, and mean any tanned or untanned external covering of an animal's body: skin, hide, or pelt of a bear shall mean the entire external covering with claws attached.

Small game means all species of grouse, hares, rabbits, ptarmigan, waterfowl, cranes and Wilson or jacksnipe.

Tine or antler point refers to any point on an antler whose length is at least one inch, and is greater in length than in width, measured one inch or more from the tip.

Transport means shipping, carrying, importing, exporting, or receiving or delivering for shipment, carriage or export.

Unclassified game means all species of game not otherwise classified in the definitions.

Unit means one of the 26 geographical areas listed under game management units in the ADF&G's codified hunting regulations and the Game Management Unit Map of Alaska.

Year means calendar year unless another year is specified.

(b) Small game and unclassified game, fur animals, furbearers, and big game may be taken for subsistence by any method, unless prohibited below or by other Federal statute.

(1) The following methods of taking game are prohibited:

(i) By shooting from, on, or across a highway;

(ii) With the use of any poison;

(iii) Knowingly, or with reason to know, with the use of a helicopter in any manner, including transportation to or from the field of any unprocessed game or parts of game, any hunter or hunting gear, or any equipment used in the pursuit or retrieval of game; this paragraph does not apply to transportation of a hunter, hunting gear, or game during an emergency rescue operation in a life-threatening situation;

(iv) Unless otherwise provided in this chapter, from a mechanical vehicle, or from a motor-driven boat unless the motor has been completely shut off and the boat's progress from the motor's power has ceased, except that a motor-driven boat or snowmachine may be used to take caribou in Game Management Unit 23;

(v) With the use of an aircraft, snowmachine, motor-driven boat, or other motorized vehicle for the purpose of driving, herding, or molesting game;

(vi) With the use or aid of a machine gun, set gun, or a shotgun larger than 10 gauge;

(vii) With the aid of a pit, fire, artificial light (except that coyotes may be taken in Units 6(B) and 6(C) with the aid of artificial lights), radio communication, artificial salt lick, explosive, barbed arrow, bomb, smoke, chemical, or a conventional steel trap with a jaw spread over nine inches; however, the "conibear" style trap with a jaw spread of less than 11 inches may be used;

(viii) With a snare, except for taking unclassified game, furbearer, grouse, hare, or ptarmigan;

(ix) By intentionally feeding a bear, wolf, fox, or wolverine, or intentionally leaving human food or garbage in a manner that attracts these animals. This does not apply to bait used for trapping furbearers or hunting black bears.

(2) The following methods and means of taking big game for subsistence are prohibited in addition to the prohibitions in paragraph (b)(1) of this section:

(i) With the use of a firearm other than a shotgun, muzzle-loaded rifle without scope, or rifle or pistol using a center-firing cartridge, except that:

(A) In Unit 23, swimming caribou may be taken with a firearm using rimfire cartridges; (B) The use of a muzzleloading rifle is prohibited for brown bear, black bear, moose, musk ox and mountain goat unless such a firearm is .54 caliber or larger, or at least .45 caliber and a 250 grain or larger elongated slug is used;

(ii) With a crossbow in any area restricted to hunting by bow and arrow only;

(iii) With a longbow, recurve bow, or compound bow unless the bow is capable of casting a broadhead-tipped arrow at least 175 yards horizontally, the arrow is tipped with a broadhead of at least 7/8" width, and arrow and

broadhead together weigh at least one ounce (437.5 grains), and the broadhead is not barbed;

(iv) With the use of bait; except that black bears may be taken with the use of bait in Units 14 (A) (B) between April 15 and May 31; in Units 1 (A) (B) (D), 2, 3, 5, 6, 7 (except Resurrection Creek and its tributaries), 11, 13 and 16 (except Denali State Park) 15 and 17 between April 15 and June 15; and in Units 12, 19–21, 24, and 25 between April 15 and June 30. Baiting of black bears is subject to the following restrictions:

(A) Only biodegradable materials may be used for bait; only the head, bones, viscera, or skin of legally harvested fish and game may be used for bait;

(B) No person may use bait within one-quarter mile of a publicly maintained road or trail;

(C) No person may use bait within one mile of a house or other permanent dwelling, or within one mile of a developed campground or developed recreational facility;

(D) A hunter using bait shall clearly mark the site with a sign reading "black bear bait station" that also displays the person's hunting license number and ADF&G assigned number;

(E) A person using bait shall remove litter and equipment from the bait station site when hunting is completed;

(F) No person may give or receive remuneration for the use of a bait station, including barter or exchange of goods;

(G) No person may have more than two bait stations established (bait present) at any one time;

(H) No person may establish a black bear bait station unless he or she first registers the site with ADF&G;

(v) With the aid or use of a dog, except that a dog may be used to hunt black bear by permit issued at the discretion of the ADF&G;

(vi) With the use of a trap or snare;

(vii) While a big game animal is swimming, except that a swimming caribou may be taken in Unit 23;

(viii) No person who has been airborne, except in regularly scheduled commercial jet aircraft flights, may take for subsistence uses a big game animal in a National Preserve until 3:00 a.m. following the day in which the flying occurred.

(ix) No person who has been airborne, except in regularly scheduled commercial jet aircraft flights, may take or assist in taking for subsistence purposes a big game animal until after 3:00 a.m. following the day in which the flying occurred; however, this paragraph does not apply to subsistence taking of deer, or to subsistence taking of wolves during August 10–March 31 in the portions of Units 9, 11, 12, 13 except 13 (E) west of the Parks Highway, 17, 19, 20, 21, 24, 25(B), 25(C), and 25(D) that are not in a national preserve (National Parks, Monuments, and Preserves are closed to same-day-airborne Wolf Hunting); additionally with respect to wolves:

(A) No person may take a wolf without first obtaining from ADF&G, a numbered registration permit and numbered, nontransferable locking tags;

(B) Shotguns may not be used to take wolves;

(C) A person taking a wolf shall immediately affix one of the tags to the skin of the wolf until the skin is sealed according to ADF&G procedures;

(x) From a boat in Units 1–5, except by the physically disabled.

(3) The following methods and means of taking fur animals for subsistence under a hunting license are prohibited, in addition to the prohibitions in paragraph (b)(1) of this section:

(i) By using a dog, trap, snare, net, or fish trap;

(ii) By disturbing or destroying a den;

(iii) By having been airborne and using a firearm to take or assist in taking an arctic or red fox until after 3 a.m. on the day following the day in which the flying occurred.

(4) The following methods and means of taking furbearers for subsistence under a trapping license are prohibited, in addition to the prohibitions in paragraph (b)(1) of this section:

(i) By disturbing or destroying a den, except that any muskrat pushup or feeding house may be disturbed in the course of trapping;

(ii) By disturbing or destroying any beaver house;

(iii) Taking beaver by any means other than a steel trap or snare, except that a firearm may be used to take beaver in Unit 18 from April 1 through June 10, and in Units 8, 22, and 23 throughout the seasons established herein;

(iv) Taking land otter with a steel trap having a jaw spread of less than five and seven-eights inches during any closed mink and marten season in the same game management unit;

(v) Using a dog, net, or fish trap (except a blackfish or fyke trap);

(vi) Taking beaver in the Minto Flats Management Area with the use of an aircraft for ground transportation or by landing within one mile of a beaver trap or set used by the person transported;

(vii) Taking a wolf in Units 12 and 20 (E) during March, April or October with a steel trap, or with a snare smaller than 3X;

(viii) Having been airborne and using a firearm to take or assist in taking an arctic fox, red fox, wolf, or wolverine until after 3 a.m. on the day following the day in which the flying occurred; this paragraph does not apply to a trapper using a firearm to dispatch a fox, wolf, or wolverine caught in a trap or snare;

(ix) Taking a red fox in Unit 15 by any means other than a steel trap or snare.

(c) Possession and Transportation of Wildlife. (1) Unless otherwise provided, no person may take a species of game in any unit or portion of a unit if that person's total statewide take of that species already equals or exceeds the bag limit for that species in that unit or portion of a unit except as specified in paragraph (c)(3) of this Section.

(2) The bag limit specified herein for a subsistence season for a species and the State bag limit set for a State season for the same species are not separate and distinct. This means that a person or designated group who has taken the bag limit for a particular species under a subsistence season specified herein may not after that, take any additional animals of that species under any other bag limit specified for a State season.

(3) The bag limit specified for a trapping season for a species and the bag limit set for a hunting season for the same species are separate and distinct. This means that a person who has taken a bag limit for a particular species under a trapping season may take additional animals under the bag limit specified for a hunting season or vice versa.

(4) A bear taken in any unit having a one bear per regulatory year limit does not count against the one bear every four regulatory years bag limit in other units; however, no more than one bear may be taken in any regulatory year.

(5) A bag limit applies to a regulatory year unless another time period is specified in the bag limit.

(6) Any person who gives or receives wildlife shall furnish upon request of a Federal agent a signed statement describing the following: names and addresses of persons who gave and received wildlife, when and where the wildlife was taken, and what wildlife was transferred.

(7) No person may possess, transport, or give, receive or barter wildlife that the person knows or should know were taken in violation of Federal or State statutes or a regulation promulgated thereunder.

(8) Evidence of sex and identity. (i) No person may possess or transport a Dall sheep unless both horns accompany the animal if the subsistence take is restricted to a single sex.

(ii) If the subsistence taking of a big game animal, except sheep, is restricted to one sex, no person may possess or

transport the carcass of an animal unless sufficient portions of the external sex organs remain attached to indicate conclusively the sex of the animal; however, this section does not apply to the carcass of a big game animal that has been cut and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed.

(iii) If a moose bag limit includes an antler size or configuration restriction, no person may possess or transport the moose carcass or its parts unless both antlers accompany the carcass or its parts. A person possessing a set of antlers with less than the required number of brow tines on one antler shall leave the antlers naturally attached to the unbroken, uncut skull plate; however, this subsection does not apply to a moose carcass or its parts that have been cut and placed in storage or otherwise prepared for consumption after arrival at the place where it is to be stored or consumed.

(iv) Until the hide has been sealed by a representative of the ADF&G, no person may possess or transport the hide of a brown bear taken in Unit 4 which does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(d) A person who takes an animal that has been marked or tagged for scientific studies must, within a reasonable time, notify the ADF&G or other agency, if identified on the collar or marker, when and where the animal was killed. Any ear tag, collar, radio, tattoo, or other identification must be retained with the hide until it is sealed, if sealing is required, and in all cases any identification equipment must be returned to the ADF&G or to an agency identified on such equipment.

(e) Sealing of bear skins and skulls. (1) As used in this section:

Bear means brown bears in all units, and black bears of all color phases taken in Units 1–7, 11–16, and 20;

Sealing certificate means a form used by the ADF&G for recording information when sealing a bear.

Temporary sealing form means a form available at ADF&G offices for providing information regarding date and location of a bear kill, species of bear, name and address of the hunter, name of the guide, and other information requested by the ADF&G on the form;

(2) No person may possess, transport, or export from Alaska, the untanned skin or skull of a bear unless the skin and skull have been sealed by an authorized representative of the ADF&G within 30 days after the taking, or a lesser time if requested by the ADF&G. The seal must remain on the skin until the tanning process has commenced. A brown bear taken in Unit 8 may not be transported from that unit until it has been sealed. A brown bear taken in Unit 20(E) may not be transported from that unit, except to Tok, until it has been sealed.

(3) Except as provided in paragraph (c) of this Section, a person who kills a bear must personally present the skin and the skull to an authorized representative of the ADF&G for sealing within 30 days after the taking, or a shorter time if requested by the ADF&G, and must sign the sealing certificate at the time of sealing.

(4) A person who takes a bear but is unable to present the skin and skull in person must complete and sign a temporary sealing form and ensure that the completed temporary sealing form, along with the bear skin and skull, are presented to an authorized representative of the ADF&G for sealing within 30 days after the taking.

(5) A person who possesses a bear shall keep the skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin. The ADF&G may require that the skull of the bear be skinned and that the skin and skull not be frozen at the time of sealing.

(6) No person may falsify any information required on the sealing certificate or temporary sealing form provided by the ADF&G.

(f) Sealing of Marten, Lynx, Beaver, Otter, Wolf, and Wolverine. (1) No person may possess, transport, or export from the state the untanned skin of a marten taken in Units 1–5, 7, and 15, or the untanned skin of a lynx, beaver, land otter, wolf, or wolverine, whether taken inside or outside the state, unless the ADF&G has sealed the skin. The seal must remain on the skin until the tanning process has commenced or the skin has been transported from the state; however, the seal may be removed from the skin of a marten taken in Units 1–5 when the skin has been prepared for shipment from the state.

(2) The sealing of marten, lynx, beaver, land otter, wolf, or wolverine must be accomplished as follows:

(i) Wolf (in Unit 15(A)) taken by hunting or trapping must be sealed on or before the 5th day after the date of taking;

(ii) Wolf (except in Unit 15(A)), wolverine, and lynx taken by hunting must be sealed on or before the 30th day after the date of taking;

(iii) Marten (Units 1–5, 7, and 15 only), wolf (except in Unit 15(A)), wolverine, lynx, beaver, and otter taken by trapping must be sealed on or before the 30th day after the close of the season in the unit where taken.

(3) The sealing periods described in paragraph (f)(2) of this Section may be temporarily reduced by an authorized employee of the ADF&G.

(4) A person who takes a species listed in paragraph (f) of this section must bring the skin for sealing to an authorized representative of the ADF&G and must complete a report on a form provided by the ADF&G.

(g) Utilization of Game. (1) The following definitions shall apply to this paragraph:

Edible meat means, in the case of big game animals, the meat of the ribs, neck, brisket, front quarters as far as the juncture of the humerus and radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (hock) and that portion of the animal between the front and hindquarters; in the case of wild fowl, the Meat of the breast: however, *edible meat* of big game or wild fowl does not include: meat of the head; meat that has been damaged and made inedible by the method of taking bones, sinew and incidental meat reasonably lost as a result of boning or a close trimming of the bones; or viscera.

Wild fowl means species of wild bird for which seasons or bag limits have been established by State or Federal law.

(2) No person may use game as food for a dog or furbearer, or as bait, except for the following:

(i) The hide, skin, viscera, head, or bones of game;

(ii) The skinned carcass of a furbearer or fur animal;

(iii) Red squirrels and small game; however, the breast meat of small game birds may not be used as animal food or bait;

(iv) Legally taken unclassified game.

(3) A person taking game for subsistence shall salvage the following parts for human use:

(i) The hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel and land otter, and the hide or meat of a beaver or muskrat;

(ii) The hide, skull and edible meat of a brown bear;

(iii) The hide, skull and edible meat of a black bear.

(4) A person who takes a big game animal or a species of wild fowl may not intentionally, knowingly, recklessly, or with criminal negligence fail to salvage for human consumption the edible meat of the animal or fowl.

(5) Failure to salvage or possess the edible meat may not be a violation if due to circumstances beyond the control

of a person, including theft of the animal or fowl, unanticipated weather conditions or other acts of God, or unavoidable loss in the field to another wild animal.

(6) If a person is convicted of violating this section and in the course of that violation failed to salvage from a big game animal at least the hindquarters as far as the distal joint of the tibia-fibula (hock), the court shall impose a sentence of imprisonment of not less than seven consecutive days and a fine of not less that $2,500.

(7) It is unlawful for a person to possess the horns or antlers of a big game animal that was killed after the opening of the current or most recent lawful season for the animal unless the person also possesses the edible meat of the animal. However, this does not apply to the acquisition of the horns or antlers as a gift after the edible meat of the big game animal was salvaged, or the edible meat is no longer present due to personal consumption or lawful transfer.

(h) Taking wildlife in defense of life & property. (1) Nothing in this subpart prohibits a person from taking wildlife in defense of life or property if:

(i) The necessity for the taking is not brought about by harassment or provocation of the animal or an unreasonable invasion of the animal's habitat;

(ii) The necessity for the taking is not brought about by the improper disposal of garbage or a similar attractive nuisance; and

(iii) All other practicable means to protect life and property are exhausted before the animal is taken.

(2) Wildlife taken in defense of life or property is the property of the State and is not a subsistence taking. A person taking such wildlife is required to salvage immediately the meat, or, in the case of a black bear, wolf, wolverine, or coyote, the hide and surrender it to the State immediately. All bear hides surrendered (brown or black) must include claws. In the case of brown or grizzly bear, the hide and skull must be salvaged and surrendered to the State immediately. The person taking the wildlife must notify the ADF&G of the taking immediately and must submit a written report of the circumstances of the taking of wildlife in defense of life or property to the ADF&G within 15 days of the taking.

(3) As used in this section, "property" is limited to:

(i) A dwelling, permanent or temporary.

(ii) An aircraft, boat, automobile, or other means of conveyance;

(iii) A domesticated animal.

(iv) Other property of substantial value necessary for the livelihood or survival of the owner. Game taken by hunters is not "property" in the sense of this regulation.

(i) Subsistence harvest of migratory birds, including waterfowl, will conform to provisions of the Migratory Bird Treaty Act, as amended, and its implementing regulations.

(j) Subsistence harvest of Endangered or Threatened species will conform to provisions of the Endangered Species Act, as amended, and its implementing regulations.

(k) Subsistence harvest of Marine Mammals will conform to the provisions of the Marine Mammal Protection Act, as amended, and its implementing regulations.

(l) There may be additional requirements for eligibility to hunt in National Parks. Contact your local National Park Service office for details.

(m) Ineligible rural or non-rural residents or sport hunters not specifically prohibited from hunting on Federal lands in an area may hunt there in accordance with the appropriate State regulations.

(n) Game Management Units and Specific Regulations. (1) GMU 1 Game Management Unit 1 consists of all mainland drainages from Dixon Entrance to Cape Fairweather, and those islands east of the center line of Clarence Strait from Dixon Entrance to Camano Point and all islands in Stephens Passage and Lynn Canal north of Taku Inlet;

(i) Unit 1(A) consists of all drainages south of the latitude of Lemesurier Point including all drainages into Behm Canal and excluding all drainages of Ernest Sound;

(ii) Unit 1(B) consists of all drainages between the latitude of Lemesurier Point and the latitude of Cape Fanshaw, including all drainages of Ernest Sound and Farragut Bay, and including the islands east of the center lines of Frederick Sound, Dry Strait (between Sergief and Kadin Islands), Eastern Passage, Blake Channel (excluding Blake Island), Ernest Sound and Seward Passage;

(iii) Unit 1(C) consists of that portion of Unit 1 draining into Stephens Passage and Lynn Canal north of Cape Fanshaw and south of the latitude of Eldred Rock, including Berner's Bay, Sullivan Island, and all mainland portions north of Chichagof Island and south of the latitude of Eldred Rock, and excluding drainages into Farragut Bay;

(iv) Unit 1(D) consists of that portion of Unit 1 north of the latitude of Eldred Rock, excluding Sullivan Island and the drainages of Berners Bay;

(v) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) Public lands within Glacier Bay National Park are closed to all subsistence take.

(B) Unit 1(A). (*1*) In the Ketchikan area, a strip one-fourth mile wide on each side of the Tongass Highway system, including the Ward, Connel, and Harriet Hunt Lake Roads, is closed to the taking of big game;

(*2*) in the Hyder area, the Salmon River drainage downstream from the Riverside Mine, excluding the Thumb Creek drainage, is closed to the taking of bears;

(C) Unit 1(B)—the Anan Creek drainage is closed to the taking of black bears;

(D) Unit 1(C). (*1*) in the Juneau area, that area between the coast and a line one-fourth mile inland of the following road systems is closed to the taking of big game: Glacier Highway from Mile 0 to Mile 24 at Peterson Creek, Douglas Highway from the Douglas city limits to Milepost 7 on the North Douglas Highway, Mendenhall Loop Road, and Thane Road;

(*2*) the area within one-fourth mile of Mendenhall Lake, the U.S. Forest Service Mendenhall Glacier Visitor's Center, and the Center's parking area, is closed to hunting;

(*3*) the area of Mt. Bullard bounded by the Mendenhall Glacier, Nugget Creek from its mouth to its confluence with Goat Creek, and a line from the mouth of Goat Creek north to the Mendenhall Glacier, is closed to the taking of mountain goat;

(*4*) Mt. Juneau drainage, bounded by the Glacier Highway, Salmon Creek and its reservoir, a line from the head of the Salmon Creek drainage to the head of Granite Creek, and down Granite Creek and Gold Creek to the Glacier Highway, is closed to the taking of mountain goat;

(E) Unit 1(D)—a strip one-fourth mile wide on each side of the Lutak Road between Mile 7 and Chilkoot Lake, and from the Chilkoot River bridge to the end of the Lutak Road spur at the head of Lutak Inlet, is closed to the taking of big game;

(vi) The following areas are closed to the trapping of furbearers for subsistence as indicated:

(A) Glacier Bay National Park;

(B) Unit 1(C) (Juneau area):

(*1*) A strip within one-quarter mile of the mainland coast between the end of Thane Road and the end of Glacier Highway at Echo Cove;

(*2*) Auke Lake and the area within one-quarter mile of Auke Lake;

(3) That area of the Mendenhall Valley bounded on the south by the Glacier Highway, on the west by the Mendenhall Loop Road and Montana Creek Road and Spur Road to Mendenhall Lake, on the north by Mendenhall Lake, and on the east by the Mendenhall Loop Road and Forest Service Glacier Spur Road to the Forest Service Visitor Center;

(4) A strip within one-quarter mile of the Douglas Island coast along the entire length of the Douglas Highway and a strip within one-quarter mile of the Eaglecrest Road;

(5) That area within the U.S. Forest Service Mendenhall Glacier Recreation Area; (6) A strip within one-quarter mile of the following trails as designated on U.S. Geological Survey maps: Herbert Glacier Trail, Windfall Lake Trail, Peterson Lake Trail, Spaulding Meadows Trail (including the loop trail), Nugget Creek Trail, Outer Point Trail, Dan Moller Trail, Perseverance Trail, Granite Creek Trail, Mt. Roberts Trail and the Nelson Water Supply Trail, Sheep Creek Trail, and Point Bishop Trail;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.
—"No open season" means no Federal subsistence season.
—"No determination" indicates open to Alaska rural residents.

(vii)

Eligibility determination	Bag limits	Open season
Black Bear:		
GMU 1—Unit 1(C)— Rural residents of Unit 1(C), and Haines, Gustavus, Klukwan, and Hoonah.	Unit 1—2 bears, not more than one of which may be a blue or glacier bear.	Sept. 1–June 30.
GMU 1—Unit 1 (A), (B), (D)—No determination		
Brown Bear:		
GMU 1—No subsistence for residents of Wrangell, Klukwan, Haines and Skagway. All others—No determination.	Unit 1—1 bear every four regulatory years by State registration permit only.	Sept. 15–Dec. 31 and Mar. 15–May 31.
Deer:		
GMU 1—Unit 1(A)—Rural residents of Units 1(A) and 2	Unit 1(A)—4 antlered deer	Aug. 1–Dec. 31.
GMU 1—Unit 1(B)—Rural residents of Unit 1(A), residents of 1(B), 2 and 3.	Unit 1(B)—2 antlered deer	Aug. 1–Dec. 31.
GMU 1—Unit 1(C)—Rural residents of Units 1(C), 1(D) and residents of Hoonah and Gustavus.	Unit 1(C)—4 deer; however, antlerless deer may be taken only from Sept. 15–Dec. 31.	Aug. 1–Dec. 31.
GMU 1—Unit 1(D)—No subsistence	Unit 1(D)	No open season.
Goat:		
GMU 1—Unit 1(A)—No determination	Unit 1(A)—Revillagigedo	No open season.
GMU 1—Unit 1(B)—No determination, except no subsistence for residents of Petersburg, Kupreanof, and outlying areas.	Unit 1(B)—that portion between Muddy River and LeConte Bay including the drainages into the North side of LeConte Bay—1 goat by State registration permit only; however, the taking of kids or nannies accompanied by kids is prohibited.	Aug. 1–Dec. 31.
	Remainder of Unit 1(A) and Unit 1(B)—2 goats by State registration permit only.	Aug. 1–Dec. 31.
GMU 1—Unit 1(C)—Residents of Haines, Klukwan, and Hoonah.	Unit 1(C)—that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier.	Oct. 1–Nov. 30.
	Unit 1(C)—that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier and River—1 goat by State registration permit only.	Oct. 1–Nov. 30.
	Unit 1(C)—that portion draining into Stephens Passage and Taku Inlet between Eagle Glacier and River and Taku Glacier, and all drainages of the Chilkat Range south of the Endicott River.	No open season.
	Remainder of Unit 1(C)—1 goat by State registration permit only	Aug. 1–Nov. 30.
GMU 1—Unit 1(D)—No determination	Unit 1(D)—that portion lying between Taiya Inlet and River and the White Pass and Yukon Railroad.	No open season.
	Unit 1(D)—that portion lying north of the Katzehin River and northeast of the Haines Highway—1 goat by State registration permit only.	Sept. 15–Nov. 30.
	Remainder of Unit 1(D)—1 goat by State registration permit only	Aug. 1–Dec. 31.
Moose:		
GMU 1— Unit 1(A)—No determination	Unit 1(A) and 1(B) south of LeConte Glacier—1 bull	Sept. 15–Oct. 15.
GMU 1—Unit 1(B)—The Stikine River drainage only, residents of Wrangell.		
GMU 1—Unit 1(B)—North of the LeConte Glacier and 1(C) Berners Bay—No subsistence.	Remainder of Unit 1(C)—1 bull by State registration permit only	Sept. 15–Oct. 15.
GMU 1—Remainder of Unit 1(C)—No determination		
GMU 1—Unit 1(D)—Residents of Unit 1(D)	Unit 1(D)	No open season.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 1—No determination	No limit	July 1–June 30.
Beaver: GMU 1—No determination	Trapping—Unit 1 (A), (B), (C)—No limit	Dec. 1–May 15.
	Unit 1(D)	No open season.
Coyote: GMU 1—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): GMU 1—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Dec. 1–Feb. 15.
Hares (Snowshoe and Arctic): GMU 1—No determination	Hunting—5 per day	Sept. 1–Apr. 30.
Lynx: GMU 1—No determination	Hunting—2 Lynx	Dec. 1–Feb. 15.
	Trapping—No limit	Dec. 1–Feb. 15.
Marten: GMU 1—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Mink and Weasel: GMI1—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Muskrat: GMU 1—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Otter (land only): GMU 1—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Squirrel (Red, Ground and Flying): GMU 1—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.

Eligibility determination	Bag limits	Open season
Wolf: GMU 1—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	Nov. 10–Apr. 30.
Wolverine: GMU 1—No determination	Hunting—1 Wolverine	Nov. 10–Feb. 15.
	Trapping—No limit	Nov. 10–Apr. 30.
Crow: GMU 1—No determination	Hunting—40 per day	Sept. 1–Nov. 17.
		Mar. 1–Apr. 15.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 1—No determination.	Hunting—5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow and White-tailed): GMU 1—No determination.	Hunting—20 per day, 40 in possession	Aug. 1–May 15.

(2) GMU 2. (i) Game Management Unit 2 consists of Prince of Wales Island and all islands west of the center lines of Clarence Strait and Kashevarof Passage, south and east of the center lines of Sumner Strait, and east of the longitude of the westernmost point on Warren Island;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.

—"No open season" means no Federal subsistence season.

—"No determination" indicates open to Alaska rural residents.

(ii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 2—No determination	Unit 2—2 bears, not more than one of which may be a blue or glacier bear.	Sept. 1–June 30.
Deer: GMU 2—Rural residents of Unit 1(A), and residents of Units 2 and 3.	Unit 2—4 antlered deer	Aug. 1–Dec. 31.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 2—No determination	No limit	July 1–June 30.
Beaver: GMU 2—No determination	Trapping—No limit	Dec. 1–May 15.
Coyote: GMU 2—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Dec. 1–Feb. 15.
Fox, Red, (including Cross, Black and Silver Phases): GMU 2—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Dec. 1–Feb. 15.
Hares (Snowshoe and Arctic): GMU 2—No determination	Hunting—5 per day	Sept. 1–Apr. 30.
Lynx: GMU 2—No determination	Hunting—2 Lynx	Dec. 1–Feb. 15.
	Trapping—No limit	Dec. 1–Feb. 15.
Marten: GMU 2—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Mink and Weasel: GMU 2—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Muskrat: GMU 2—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Otter (land only): GMU 2—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Squirrel (Red, Ground and Flying): GMU 2—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 2—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	Nov. 10–Apr. 30.
Wolverine: GMU 2—No determination	Hunting—1 Wolverine	Nov. 10–Feb. 15.
	Trapping—No limit	Nov. 10–Apr. 30.
Crow: GMU 2—No determination	Hunting—40 per day	Sept. 1–Nov. 17 and March 1–Apr. 15.
Grouse, (Spruce, Blue, Ruffed and Sharp-tailed): GMU 2—No determination	Hunting—5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow and White-tailed): GMU 2—No determination	Hunting—20 per day, 40 in possession	Aug. 1–May 15.

(3) GMU 3. (i) Game Management Unit 3 consists of all islands west of Unit 1(B), north of Unit 2, south of the center line of Frederick Sound, and east of the center line of Chatham Strait, including Coronation, Kuiu, Kupreanof, Mitkof, Zarembo, Kashevarof, Woronkofski, Etolin, Wrangell, and Deer Islands; (ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) A strip one-fourth mile wide on each side of the Stikine (Zimovia) Highway from the Wrangell city limits to Milepost 9 is closed to the taking of big game;

(B) In the Petersburg vicinity, a strip one-fourth mile wide on each side of the Mitkof Highway from Milepost 0 to the Crystal Lake campground is closed to the taking of big game, except wolves;

(C) The Petersburg Creek drainage on Kupreanof Island is closed to the taking of black bears;

(D) Blind Slough, draining into Wrangell Narrows, and a strip one-fourth mile wide on each side of Blind Slough, from the hunting closure markers at the southernmost portion of Blind Island to the hunting closure markers one mile south of the Blind Slough bridge, are closed to all hunting;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.

—"No open season" means no Federal subsistence season.

—"No determination" indicates open to Alaska rural residents.

(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 3—No determination	Unit 3—2 bears, not more than one of which may be a blue or glacier bear.	Sept. 1–June 30.
Deer: GMU 3—Residents of Unit 1(B) and 3, and residents of Port Alexander, Port Protection, Pt. Baker, and Meyer's Chuck.	Unit 3—that portion south of Sumner Strait and Decision Passage, including the Vank Island group, but not including Level, Conclusion, and Channel Islands—2 antlered deer.	Aug. 1—Nov. 30.
	Unit 3—that portion of Mitkof Island, south of city limits of Petersburg only; Woewodski and Butterworth Islands—one antlered deer by State registration permit only.	Oct. 15–Oct. 31.
	Remainder of Unit 3	No open season.
Moose: GMU 3—No determination	Unit 3—Mitkof and Wrangell Islands—1 bull with spikefork or 50-inch antler.	Oct. 1–Oct. 15.
	Unit 3—Remainder	No open season.
Bat, Shrew, Rat, Mouse, and Porcupine: GMU 3—No determination	No limit	July 1–June 30.
Beaver: GMU 3—No determination	Trapping—Unit 3—Mitkof Island—No limit	Dec. 1–Apr. 15.
	Trapping—Unit 3 (except Mitkof Island)—No limit	Dec. 1–May 15.
Coyote: GMU 3—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black and Silver Phases): GMU 3—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Dec. 1–Feb. 15.
Hares (Snowshoe and Arctic): GMU 3—No determination	Hunting—5 per day	Sept. 1–Apr. 30.
Lynx: GMU 3—No determination	Hunting—2 Lynx	Dec. 1–Feb. 15.
	Trapping—No limit	Dec. 1–Feb. 15.
Marten: GMU 3—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Mink and Weasel: GMU 3—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Muskrat: GMU 3—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Otter (land only): GMU 3—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Squirrel (Red, Ground and Flying): GMU 3—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 3—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	Nov. 10–Apr. 30.
Wolverine: GMU 3—No determination	Hunting—1 Wolverine	Nov. 10–Feb. 15.
	Trapping—No limit	Nov. 10–Apr. 30.
Crow: GMU 3—No determination	Hunting—40 per day	Sept. 1–Nov. 17 and Mar. 1–Apr. 15.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 3—No determination.	Hunting—5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow and White-tailed): GMU 3—No determination.	Hunting—20 per day, 40 in possession	Aug. 1–May 15.

(4) GMU 4. (i) Game Management Unit 4 consists of all islands south and west of Unit 1(C) and north of Unit 3, including Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesurier, and Pleasant Islands; (ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) In the Sitka area, a strip one-fourth mile wide on each side of all State highways is closed to the taking of big game;

(B) the Seymour Canal Closed Area (Admiralty Island), including all drainages into northwestern Seymour Canal between Staunch Point and the southernmost tip of the unnamed peninsula separating Swan Cove and King Salmon Bay, and including Swan and Windfall Islands, is closed to the taking of bears;

(C) the Salt Lake Bay Closed Area (Admiralty Island), including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay, is closed to the taking of bears;

(D) Port Althorp (Chichagof Island), that area within the Port Althorp watershed south of a line from Point Lucan to Salt Chuck Point (Trap Rock), is closed to the taking of brown bears;

(E) Northeast Chichagof Controlled Use Area, consisting of that portion of Unit 4 on Chichagof Island north of Tenakee Inlet and east of Port Frederick, is closed to the use of any motorized land vehicle for brown bear hunting or for the taking of marten, mink, or weasel;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.
—"No open season" means no Federal subsistence season.
—"No determination" indicates open to Alaska rural residents.

(iii)

Eligibility determination	Bag limits	Open season
Brown Bear: GMU 4—Residents of Unit 4 and Kake	Unit 4—Chicagof Island south and west of a line that follows the crest of the island from Rock Point (58° N. lat., 136° 21′ W. long.), to Rodgers Point (57°35′ N. lat., 135°33′ W. long.) including Yakobi and other adjacent islands; Baranof Island south and west of a line which follows the crest of the Island from Nismeni Point (57°34′ N. lat., 135°25′ W. long.), to the entrance of Gut Bay (56°44′ N. lat. 134°38′ W. long.) including the drainages into Gut Bay and including Kruzof and other adjacent islands—1 bear every four regulatory years by State registration permit only..	Sept. 15–Dec. 31, Mar. 15–May 31.
	Unit 4—that portion in the Northeast Chicagof Controlled Use Area—1 bear every four regulatory years by State registration permit only..	Mar. 15–May 20.
	Remainder of Unit 4—1 bear every four regulatory years by State registration permit only.	Sept. 15–Dec. 31, Mar. 15–May 20.

Eligibility determination	Bag limits	Open season
Deer: GMU 4—Residents of Unit 4 and residents of Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, and Wrangell.	Unit 4—6 deer; however, anterless deer may be taken only from Sept. 15—Jan. 31.	Aug. 1–Jan.31.
Goat: GMU 4—No determination	1 goat by State registration permit only	Aug. 1–Dec. 31.
Bat, Shrew, Rat, Mouse, and Porcupine: GMU 4—No determination	No limit	July 1–June 30.
Beaver: GMU 4—No determination	Trapping—Unit 4 (that portion east of Chatham Strait)—No limit	Dec. 1–May 15.
	Unit 4 (that portion west of Chatham Strait)	No open season.
Coyote: GMU 4—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black and Silver Phases): GMU 4—No determination	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Dec. 1–Feb. 15.
Hares (Snowshoe and Arctic): GMU 4—No determination	Hunting—5 per day	Sept. 1–Apr. 30.
Lynx: GMU 4—No determination	Hunting—2 Lynx	Dec. 1–Feb. 15.
	Trapping—No limit	Dec. 1–Feb. 15.
Marten: GMU 4—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Mink and Weasel: GMU 4—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Muskrat: GMU 4—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Otter (land only): GMU 4—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Squirrel (Red, Ground and Flying): GMU 4—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 4—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	Nov. 10–Apr. 30.
Wolverine: GMU 4—No determination	Hunting—1 Wolverine	Nov. 10–Feb. 15.
	Trapping—No limit	Nov. 10–Apr. 30.
Crow: GMU 4—No determination	Hunting—40 per day	Sept. 1–Nov. 17 and Mar. 1–Apr. 15.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 4—No determination.	Hunting—5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow and White-tailed): GMU 4—No determination.	Hunting—20 per day, 40 in possession	Aug. 1–May 15.

(5) GMU 5. (i) Game Management Unit 5 consists of all Gulf of Alaska drainages and islands between Cape Fairweather and the center line of Icy Bay, including the Guyot Hills;

(A) Unit 5(A) consists of all drainages east of Yakutat Bay, Disenchantment Bay, and the eastern edge of Hubbard Glacier, and includes the islands of Yakutat and Disenchantment Bays;

(B) Unit 5(B) consists of the remainder of Unit 5; (ii) Public lands within Glacier Bay National Park are closed to subsistence hunting and trapping.

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—"No open season" means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257–2572).

(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 5—No determination	Unit 5—2 bears, not more than 1 of which may be a blue or glacier bear.	Sept. 1–June 30.
Brown Bear: GMU 5—Residents of Yakutat	1 bear every four regulatory years	Sept. 1–May 31.
Deer: GMU 5—Residents of Yakutat	Unit 5(A)—1 buck	Nov. 1–Nov. 30.
	Unit 5—Remainder	No open season.
Goat: GMU 5—No determination	1 goat by State registration permit only	Aug. 1–Dec. 31.
Moose: GMU 5—Residents of Yakutat	Unit 5(A), except Nunatak Bench—1 bull by State registration permit only. The season will be closed when 60 bulls have been taken from the unit. The season will be closed in that portion west of the Dangerous River when 30 bulls have been taken in that area. From Oct. 15–21 Federal public lands will be closed to moose hunting, except for residents of Yakutat.	Oct. 15–Nov. 15.
	Unit 5(A)—Nunatak Bench	No open season.
	Unit 5(B)—1 bull by State registration permit only	Sept. 1–Nov. 15.
Bat, Shrew, Rat, Mouse, and Porcupine: GMU 5—No determination.	No limit	July 1–June 30.
Beaver: GMU 5—No determination	Trapping—No limit	Nov. 10–May 15.
Coyote: GMU 5—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black and Silver Phases): GMU 5—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Dec. 1–Feb. 15.
Hares (Snowshoe and Arctic): GMU 5—No determination	Hunting—5 per day	Sept. 1–Apr. 30.
Lynx: GMU 5—No determination	Hunting–2 Lynx	Dec. 1–Feb. 15.
	Trapping—No limit	Dec. 1–Feb. 15.
Marten: GMU 5—No determination	Trapping—No limit	Nov. 10–Feb. 15.
Mink and Weasel: GMU 5—No determination	Trapping—No limit	Nov. 10–Feb 15.
Muskrat: GMU 5—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Otter (land only): GMU 5—No determination	Trapping—No limit	Nov. 10–Feb. 15.
Squirrel (Red, Ground and Flying): GMU 5—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.

Eligibility determination	Bag limits	Open season
Wolf: GMU 5—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	Nov. 10–Apr. 30.
Wolverine: GMU 5—No determination	Hunting—1 Wolverine	Nov. 10–Feb. 15.
	Trapping—No limit	Nov. 10–Apr. 30.
Crow: GMU 5—No determination	Hunting—40 per day	Sept. 1–Nov. 17 and Mar. 1–Apr. 15.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 5—No determination.	Hunting—5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow and White-tailed): GMU 5—No determination.	Hunting—20 per day, 40 in possession	Aug. 1–May 15.

(6) GMU 6. Game Management Unit 6 consists of all Gulf of Alaska and Prince William Sound drainages from the center line of Icy Bay (excluding the Guyot Hills) to Cape Fairfield, including Kayak, Hinchinbrook, Montague, and adjacent islands, and Middleton Island, but excluding the Copper River drainage upstream from Miles Glacier, and excluding the Nellie Juan and Kings River drainages;

(i) Unit 6(A) consists of Gulf of Alaska drainages east of Palm Point near Katalla, including Kanak, Wingham, and Kayak Islands;

(ii) Unit 6(B) consists of Gulf of Alaska and Copper River Basin drainages west of Palm Point near Katalla, east of the west bank of the Copper River, and east of a line from Flag Point to Cottonwood Point;

(iii) Unit 6(C) consists of drainages west of the west bank of the Copper River, and west of a line from Flag Point to Cottonwood Point, and drainages east of the east bank of Rude River and drainages into the eastern shore of Nelson Bay and Orca Inlet;

(iv) Unit 6(D) consists of the remainder of Unit 6;

(v) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified: (A) The Goat Mountain goat observation area, which consists of that portion of Unit 6 bounded on the north by Miles Lake and Miles Glacier, on the south and east by Pleasant Valley River and Pleasant Glacier, and on the west by the Copper River, is closed to the taking of mountain goat;

(B) The Heney Range goat observation area, which consists of that portion of Unit 6(C) south of the Copper River Highway and west of the Eyak River, is closed to the taking of mountain goat;

Note—There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—"No open season" means no Federal subsistence season.

Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257–2572).

(vi)

Eligibility determination	Bag limits	Open season
Black Bear:		
GMU 6—Unit 6(A)—Residents of Yakutat	Unit 6(A)—1 bear	Sept. 1–June 30.
GMU 6—Unit 6 (B) and (C)—Residents of Unit 6 (B) and (C), except Cordova.	Unit 6 (B), (C)—1 bear	Sept. 1–June 30.
GMU 6—Unit 6(D)—Residents of Chenega Bay and Tatitlek	Unit 6(D)—1 bear	Sept. 1–June 30.
Brown Bear: GMU 6—No subsistence		No open season.
Deer: GMU 6—No determination	Unit 6—4 deer; however, anterless deer may be taken only from Nov. 1–Dec. 31.	Aug. 1–Dec. 31.
Moose: GMU 6—No subsistence		No open season.
Goats:		
GMU 6—Unit 6 (A) and (B)—No determination	Unit 6 (A), (B)—1 goat by State registration permit only	Aug. 20–Jan. 31.
GMU 6—Unit 6 (C), and (D)—Rural residents of Unit 6 (C) and (D).	GMU 6 (D) (subareas 822, 823, 824, 828, 879 only)—1 goat by Federal registration permit only. The taking of goats on Federal public land in GMU 6(D), subareas 823 and 824, is closed except to rural residents of GMU 6(C) and 6(D). The season in Subareas 829 and 830 may be opened by emergency order. The season will be closed when harvest limits are reached.	Aug. 20–Jan. 31.
	Unit 6(C) and remainder of Unit 6(D)	No open season.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 6—No determination.	No limit	July 1–June 30.
Beaver: GMU 6—No determination	Trapping—20 person season	Feb. 1–Mar. 31.
Coyote: GMU 6—No determination	Unit 6 (A), (D)—Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Unit 6(A)—Trapping—No limit	Nov. 10–Mar. 31.
	Unit 6(B)—Hunting—No limit	July 1–June 30.
	Unit 6(B)—Trapping—No limit	Nov. 10–Mar. 31.
	Unit 6(C)—South of the Copper River Highway and east of the Heney Range—Hunting—No limit.	July 1–June 30.
	Trapping—No limit	Nov. 10–Apr. 30.
	Unit 6(C)—Remainder—Hunting—No limit	July 1–June 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): GMU 6—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 10–Feb. 28.
Hares (Snowshoe and Arctic): GMU 6—No determination	Hunting—No limit	July 1–June 30.
Lynx: GMU 6—No determination	Hunting—2 Lynx	Dec. 15–Jan. 15.
	Trapping—No limit	Dec. 15–Jan. 15.
Marten: GMU 6—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Mink and Weasel: GMU 6—No determination	Trapping—No limit	Nov. 10–Jan. 31.

Eligibility determination	Bag limits	Open season
Muskrat: GMU 6—No determination	Trapping—No limit	Nov. 10–June 10.
Otter (land only): GMU 6—No determination	Trapping—No limit	Nov. 10–Mar. 31.
Squirrel (Red, Ground, Flying): GMU 6—No determination	Hunting—No Limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 6—Residents of Units 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—2 Wolves	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Wolverine: GMU 6—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 10–Feb. 28.
Crow: GMU 6—No determination	Hunting—40 per day	Sept. 1–Nov. 17 and Mar. 1–Apr. 15
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 6—No determination.	Hunting—5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow and White-tailed): GMU 6—No determination.	Hunting—20 per day, 40 in possession	Aug. 1–May 15.

(7) GMU 7. (i) Game Management Unit 7 consists of Gulf of Alaska drainages between Gore Point and Cape Fairfield, including the Nellie Juan and Kings River drainages, and including the Kenai River drainage upstream from the Russian River, the drainages into the south side of Turnagain Arm west of and including the Portage Creek drainage, and east of 150° W. long., and all Kenai Peninsula drainages east of 150° W. long., from Turnagain Arm to the Kenai River;

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) The Portage Glacier Closed Area in Unit 7, which consists of Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek and Byron Glacier, is closed to hunting; however, migratory birds and small game may be hunted with shotguns after September 1;

(B) The Exit Glacier Closed Area in Unit 7, which consists of the south side drainages of the Resurrection River downstream from the mouth of Redman Creek, and Resurrection Bay drainages between the mouth of the Resurrection River and the mouth of Lowell Creek, is closed to the taking of big game; Kenai Fjords National Park is closed to all subsistence uses;

(C) The Cooper Landing Closed Area, which consists of that portion of Units 7 and 15 bounded by a line from the junction of the Sterling Highway and the Chugach National Forest boundary, then along the national forest boundary to Thurman Creek, then southeasterly along Thurman Creek and the northeast side of Trout Lake, then to the confluence of Juneau Creek and Falls Creek, then easterly along Falls Creek and the North Fork of Falls Creek and over the connecting saddle to Devils Creek, then southeasterly along Devils Creek to its confluence with Quartz Creek, then southwesterly along Quartz Creek to the Sterling Highway and then to the point of beginning, is closed to the taking of Dall sheep and mountain goat;

(D) The Resurrection Creek Closed Area, which consists of the drainage of Resurrection Creek downstream from the including the drainage of Rimrock and Highlands Creeks, (and including Palmer Creek), is closed to the taking of moose;

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—Those residents listed under eligibility are the qualified subsistence users.

—"No open season" means no Federal subsistence season.

—"No determination" indicates open to Alaska rural residents.

(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 7—No determination	Unit 7—3 bears	July 1–June 30.
Brown Bear: GMU 7—No subsistence		No open season.
Caribou: GMU 7—No subsistence		No open season.
Moose: GMU 7—No subsistence		No open season.
Bat, Shrew, Rat, Mouse, and Porcupine: GMU 7—No determination.	No limit	July 1–June 30.
Beaver: GMU 7—No determination	Trapping—20 per season	Feb.1–Mar. 31.
Coyote: GMU 7—No determination	Hunting—No limit	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): GMU 7—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—1 Fox	Nov. 10–Feb. 28
Hares (Snowshoe and Arctic): GMU 7—No determination	Hunting—No limit	July 1–June 30.
Marten: GMU 7—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Mink and Weasel: GMU 7—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Muskrat: GMU 7—No determination	Trapping—No limit	Nov. 10–May 15.
Otter (land only): GMU 7—No determination	Trapping—No limit	Nov. 10–Feb. 28.
Squirrel (Red, Ground, Flying): GMU 7—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 7—No determination	Hunting—1 Wolf	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 10–Feb. 28.
Wolverine: GMU 7—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 10–Feb. 28.
Crow: GMU 7—No determination	Hunting—40 per day	Sept. 1–Nov. 17 and Mar. 1–Apr. 15.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 7—No determination.	Hunting—15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow and White-tailed): GMU 7—No determination.	Hunting—20 per day, 40 in possession	Aug. 10–Mar. 31.

(8) GMU 8. (i) Game Management Unit 8 consists of all islands southeast of the centerline of Shelikof Strait, including Kodiak, Afognak, Whale, Raspberry, Shuyak, Spruce, Marmot, Sitkalidak, Amook, Uganik, and Chirikof Islands, the Trinity Islands, the Semidi Islands, and other adjacent islands;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.
—"No open season" means no Federal subsistence season.
—"No determination" indicates open to Alaska rural residents.

(ii)

Eligibility determination	Bag limits	Open season
Caribou: GMU 8—No determination	No limit	July 1–June 30.
Deer: GMU 8—Residents of Unit 8	Unit 8, that portion of Kodiak Island north of a line from the head of Settlers Cove to Crescent Lake (57° 52′ N. lat., 152° 58′ W. long.), and east of a line from the outlet of Crescent Lake to Mount Ellison Peak and from Mount Ellison Peak to Pokati Point at Whale Passage, and that portion of Kodiak Island east of a line from the mouth of Saltery Creek to Crag Point, and adjacent small islands in Chiniak Bay—1 deer; however, antlerless deer may be taken only from Oct. 25—Oct. 31.	Aug. 1–Oct. 31.
	Unit 8—that portion of Kodiak Island and adjacent islands south and west of a line from the head of Terror Bay to the head of the south western-most arm of Ugak Bay—5 deer; however, antlerless deer may be taken only from Oct. 1—Dec. 31.	Aug. 1–Dec. 31.
	Remainder of Unit 8—5 deer; however, antlerless deer may be taken only from Oct. 1—Nov. 30.	Aug. 1–Dec. 31.
Bat, Shrew, Rat, Mouse, and Porcupine: GMU 8—No determination.	No limit	July 1–June 30.
Beaver: GMU 8—No determination	Trapping—30 Beaver per season	Nov. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): GMU 8—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 10–Mar. 31.
Hares (Snowshoe and Arctic): GMU 8—No determination	Hunting—No limit	July 1–June 30.
Marten: GMU 8—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Mink and Weasel: GMU 8—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Muskrat: GMU 8—No determination	Trapping—No limit	Nov. 10–June 10.
Otter (land only): GMU 8—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Squirrel (Red, Ground and Flying): GMU 8—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	June 1–June 30.
Crow: GMU 8—No determination	Hunting—40 per day	Sept. 1–Nov. 17 and Mar. 1–Apr. 15.
Ptarmigan (Rock, Willow and White): GMU 8—No determination	20 per day, 40 in possession	Aug. 10–Apr. 30.

(9) GMU 9. Game Management Unit 9 consists of the Alaska Peninsula and adjacent islands, including drainages east of False Pass, Pacific Ocean drainages west of and excluding the Redoubt Creek drainage, drainages into the south side of Bristol Bay, drainages into the north side of Bristol Bay east of Etolin Point, and including the Sanak and Shumagin Islands;

(i) Unit 9(A) consists of that portion of Unit 9 draining into Shelikof Strait and Cook Inlet between the southern boundary of Unit 16 (Redoubt Creek) and the northern boundary of Katmai National Park and Preserve;

(ii) Unit 9(B) consists of the Kvichak River drainage;

(iii) Unit 9(C) consists of the Alagnak (Branch) River drainage, the Naknek River drainage, and all land and water within Katmai National Park and Preserve;

(iv) Unit 9(D) consists of all Alaska Peninsula drainages west of a line from the southernmost head of Port Moller to the head of American Bay, including the Shumagin Islands and other islands of Unit 9 west of the Shumagin Islands;

(v) Unit 9(E) consists of the remainder of Unit 9;

(vi) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified.

(A) In Unit 9 in the McNeil River State Game Sanctuary, the McNeil River drainage, Mikfik Creek drainage, and all drainages into McNeil Cove from Akjemguiga Cove to McNeil Head, are closed to hunting, and the remainder of the McNeil River State Game Sanctuary and contiguous tidelands are closed to brown bear hunting; access to the sanctuary is by permit only issued by the State of Alaska;

(B) That portion of Unit 9 extending south and east of McNeil River State Game Sanctuary to the boundary of Katmai National Park and Preserve, and including any State land within the boundaries of Katmai National Park and Preserve, is closed to brown bear hunting;

(vii) The following areas are closed to the trapping of furbearers for subsistence as indicated: The drainages of McNeil River, Mikfik Creek and all other drainages into McNeil Cove which extends from Akjemguiga Cove on the north to McNeil Head on the south, located at the head of Kamishak Bay, in the lower Cook Inlet are closed to trapping; access to the McNeil River State Game Sanctuary is by permit only;

(viii) Katmai National Park is closed to all subsistence uses;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—"No open season" means no Federal subsistence season.
—Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257–2572).

(ix)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 9—No determination	Unit 9—3 bears	July 1–June 30.
Brown Bear:		
GMU 9—Unit 9 (A), (C), and (D)—No subsistence	Unit 9(B)—1 bear every four regulatory years	Oct. 1–Oct. 21 (odd years only).
GMU 9—Unit 9(B)—Residents of Unit 9(B)	May 10–May 25 (even years only).	May 10–May 25 (even years only).
GMU 9—Unit 9(E)—Residents of Chignik Lake, Ivanof Bay and Perryville.	Unit 9(E)—1 bear (Federal registration permit is required May 10–May 25 (odd years only) and Oct. 7–Oct. 21 (even years only).	Oct. 7–Oct. 21, and May 10–May 25.
	Remainder of Unit 9	No open season.
Caribou:		
GMU 9—Unit 9 (A) and (B)—Residents of Units 9 (B), (C), and 17.	Units 9 (A), (B) and (C)—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Aug. 31 and no more than 1 caribou may be taken Sept. 1–Nov. 30.	Aug. 10–Mar. 31.
GMU 9—Unit 9(C)—Residents of Units 9 (B), (C), 17 and residents of Egegik.	Unit 9(E)—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Nov. 30. A Federal registration permit is required Sept. 1–Nov. 30.	Aug. 10–Mar. 31.
GMU 9—Unit 9(D)—Residents of Unit 9(D) and residents of False Pass.		
GMU 9—Unit 9(E)—Residents of Units 9 (B), (C), (E), 17, Nelson Lagoon and Sand Point.	Unit 9(D)—1 bull (Federal lands are closed to the hunting of caribou except by rural Alaska residents of Unit 9(D) and False Pass.	Aug. 10–Sept. 30, and Dec. 1–Mar. 31.
Sheep: GMU–9—No determination	Unit 9—1 ram with ⅞ curl horn	Aug. 10–Sept. 20.
Moose: GMU–9—Unit 9 (A), (B), (C), (E)—Residents of Unit 9 (A), (B), (C), (E).	Unit 9(A)—1 bull	Sept. 1–Sept. 15.
	Unit 9(B)—1 bull	Sept. 1–Sept. 15, and Dec. 1–Dec. 31.
	Unit 9(C)—that portion draining into the Naknek River—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31; a State registration permit is required for the December hunt.	Sept. 1–Sept. 15, and Dec. 1–Dec. 31.
	Unit 9(C)—Remainder—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31.	Sept. 1–Sept. 15, and Dec. 1–Dec. 31.
GMU 9—Unit 9(D)—No subsistence	Unit 9(D)	No open season.
	Unit 9(E)—1 bull	Sept. 1–Sept. 15, and Dec. 1–Dec. 31.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 9—No determination.	No limit	July 1–June 30.
Beaver: GMU 9—No determination	Trapping—40 Beavers per season	Jan. 1–Mar. 31.
Coyote: GMU 9—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White): GMU 9—No determination	Hunting—No limit	Dec. 1–Mar. 15.
	Trapping—No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): GMU 9—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 10–Feb. 28.
Hares (Snowshoe and Arctic): GMU 9—No determination	Hunting—No limit	July 1–June 30.
Lynx: GMU 9—No determination	Hunting—2 Lynx	Nov. 10–Feb. 28.
	Trapping—No limit	Nov. 10–Feb. 28.
Marten: GMU 9—No determination	Trapping—No limit	Nov. 10–Feb. 28.
Mink and Weasel: GMU 9—No determination	Trapping—No limit	Nov. 10–Feb. 28.
Muskrat: GMU 9—No determination	Trapping—No limit	Nov. 10–June 10.
Otter (land only): GMU 9—No determination	Trapping—No limit	Nov. 10–Mar. 31.
Squirrel (Red, Ground and Flying): GMU 9—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 9—Residents of Units 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—10 Wolves	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Wolverine: GMU 9—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 10–Feb. 28.
Crow: GMU 9—No determination	Hunting—40 per day	Sept. 1–Nov. 17, and Mar. 1–Apr. 15.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 9—No determination.	Hunting—15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow and White-tailed): GMU 9—No determination.	Hunting—20 per day, 40 in possession	Aug. 10–Apr. 30.

(10) GMU 10 Game Management Unit 10 consists of the Aleutian Islands, Unimak Island and the Pribilof Islands;

(i) Public lands within the following area are closed to subsistence take or subsistence take is restricted as specified. Otter Island in the Pribilof Islands is closed to hunting;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.

—"No open season" means no Federal subsistence season.

—"No determination" indicates open to Alaska rural residents.

(ii)

Eligibility determination	Bag limits	Open season
Caribou:		
GMU 10—Unit 10 Unimak Island—Residents of False Pass	Unit 10—Unimak Island only—1 bull (Federal lands are closed to the hunting of caribou except by rural Alaska residents of False Pass.	Aug. 10–Sept. 30, and Dec. 1–Mar. 31.

Eligibility determination	Bag limits	Open season
GMU 10—Remainder of Unit 10—No determination	Unit 10—Unimak and Adak Islands only	No open season.
	Unit 10—Remainder—No limit	July 1–June 30.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 10—No determination.	No limit	July 1–June 30.
Coyote: GMU 10—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White Phase): GMU 10—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): GMU 10—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 10–Feb. 28.
Hares (Snowshoe and Arctic): GMU 10—No determination	Hunting—No limit	July 1–June 30.
Mink and Weasel: GMU 10—No determination	Trapping—No limit	Nov. 10–Feb. 28.
Muskrat: GMU 10—No determination	Trapping—No limit	Nov. 10–June 10.
Otter (land only): GMU 10—No determination	Trapping—No limit	Nov. 10–Mar. 31.
Squirrel (Red, Ground and Flying): GMU 10—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 10—Residents of Units 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—2 Wolves	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Wolverine: GMU 10—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 10–Feb. 28.
Cormorant: GMU 10—No determination	No limit	July 1–June 30.
Ptarmigan (Rock, Willow and White-tailed): GMU 10—No determination.	20 per day, 40 in possession	Aug. 10–Apr. 30.

(11) GMU 11. (i) Game Management Unit 11 consists of that area draining into the headwaters of the Copper River south of Suslota Creek and the area drained by all tributaries into the east bank of the Copper River between the confluence of Suslota Creek with the Slana River and Miles Glacier;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware or private inholdings.

—"No open season" means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257–2572).

(ii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 11—No determination	Unit 11—3 bears	July 1–June 30.
Caribou: GMU 11—Mentasta Herd—Residents of Units 11, 12 (along Nabesna Road), and 13 (A)–(D).	Unit 11—1 bull by Federal registration permit only. Up to 30 bulls may be taken in Unit 11 (Source of permits—Wrangell-St. Elias National Park, mile 105.5 Old Richardson Highway, Copper Center; or the Slana District Station, Slana).	Aug. 10–Sept. 30.
Sheep: GMU 11—Residents of Chisana, Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, McCarthy Road, Mentasta Lake, Mentasta Pass (milepost 79–110), Nabesna Road, Slana, McCarthy/South Wrangell/South Park, Tazlina, and Tonsina, however, No subsistence for Cantwell, east Glenn Highway (milepost 110–180), and to milepost 14 on the Lake Louise Road, Homestead North, Homestead South, Lake Louise, Paxson, Sourdough, Tanacross, Tok, and west Glenn Highway (milepost 78–110).	Unit 11—1 sheep	Aug. 10–Sept. 20.
Moose: GMU 11—Residents of Unit 11, Residents of Unit 12 (along Nabesna Road), and GMU 13 (A)–(D).	Unit 11—1 bull	Sept. 1–Sept. 20
Bat, Shrew, Rat, Mouse, and Porcupine: GMU 11—No determination.	No limit	July 1–June 30.
Beaver: GMU 11—No determination	Trapping—30 Beaver per season	Nov. 10–Apr. 30.
Coyote: GMU 11—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phase): GMU 11—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 10–Feb. 28.
Hares (Snowshoe and Arctic) GMU 11—No determination	Hunting—No limit	July 1–June 30.
Lynx: GMU 11—No determination	Hunting—2 Lynx	Dec. 15–Jan. 15.
	Trapping—No limit	Dec. 15–Jan. 15.
Marten: GMU 11—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Mink and Weasel: GMU 11—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Muskrat: GMU 11—No determination	Trapping—No limit	Nov. 10–June 10.
Otter (land only): GMU 11—No determination	Trapping—No limit	Nov. 10–Mar. 31.
Squirrel (Red, Ground, Flying): GMU 11—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 11—Residents of Units 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—10 wolves	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Wolverine: GMU 11—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 10–Feb. 28.

Eligibility determination	Bag limits	Open season
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 11—Residents of Units 11, 13, 15, 16, 20(D), 22, and 23.	15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow and White-tailed): GMU 11—Residents of Units 11, 13, 15, 16, 20(D), 22, and 23.	20 per day, 40 in possession	Aug. 10–Mar. 31.

(12) GMU 12. (i) Game Management Unit 12 consists of the Tanana River drainage upstream from the Robertson River, including all drainages into the east bank of the Robertson River, and the White River drainage in Alaska, but excluding the Ladue River drainage;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—"No open season" means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257–2572).

(ii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 12—No determination	Unit 12—3 bears	July 1–June 30.
Caribou:		
GMU 12—Mentasta Herd—No Determination	Unit 12—that portion west of the Nabesna River within the drainages of Jack Creek, Platinum Creek and Totschunda Creek—1 bull by Federal registration permit only; Up to 50 bulls total may be taken in Units 11 and 12 fall and winter hunts combined (Source of permits-Wrangell-St. Elias National Park, mile 105.5 Old Richardson Highway, Copper Center; or the Slana District Station, Slana).	Aug. 10–Sept. 30.
GMU 12—Chisana Herd—No Determination	Remainder of Unit 12—1 bull	Sept. 1–Sept. 20.
GMU 12—40 mile Herd—Residents of GMU 12 north of Wrangell Park Preserve and rural residents of GMU 20 (D) and (E).	1 caribou of either sex may be taken by a Federal registration permit during a winter season to be announced for the residents of Tetlin and Northway only.	To be announced.
GMU 12—Nelchina Herd—Residents of Northway and Tetlin		
Moose:		
GMU 12—Unit 12 south of a line from Noyes Mountain, southeast of the confluence of Tatschunda Creek to Nabesna River—Residents of Unit 11 north of 62nd parallel and excluding BLM parcels of north and south Slana; and residents of Units 12, 13 (A)–(D) and residents of Dot Lake.	Unit 12—that portion drained by the Tanana, Nabesna and Chisana Rivers east of the Tetlin Reservation boundary and north of the winter trail from Pickerel Lake to the Canadian border—1 bull.	Sept. 1–Sept. 15 and Nov. 20–Nov. 30.
GMU 12—Unit 12 east of the Nabesna River, south of the winter trail from Pickerel Lake to the Canadian Border—Residents of Unit 12.	Unit 12—that portion lying east of the Nabesna River and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 bull.	Sept. 1–Sept. 30.
GMU 12—Remainder of Unit 12—Residents of Unit 12 and residents of Dot Lake and Mentasta Lake.	Unit 12—Remainder—1 bull	Sept. 1–Sept. 15.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 12—No determination.	No limit	July 1–June 30.
Beaver: GMU 12—No determination	Trapping—15 Beaver per season	Nov. 1–Apr. 15.
Coyote: GMU 12—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 1–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): GMU 12—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 1–Feb. 28.
Hares (Snowshoe and Arctic): GMU 12—No determination	No limit	July 1–June 30.
Lynx: GMU 12—No determination	Hunting—2 Lynx	Nov. 1–Jan. 31.
	Trapping—No limit	Nov. 1–Jan. 31.
Marten: GMU 12—No determination	Trapping—No limit	Nov. 1–Feb. 28.
Mink and Weasel: GMU 12—No determination	Trapping—No limit	Nov. 1–Feb. 28.
Muskrat: GMU 12—No determination	Trapping—No limit	Sept. 20–June 10.
Otter (Land only): GMU 12—No determination	Trapping—No limit	Nov. 1–Apr. 15.
Squirrel (Red, Ground and Flying): GMU 12—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 12—Residents of Units 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—10 Wolves	Aug. 10–Apr. 30.
	Trapping—No limit	Oct. 1–Apr. 30.
Wolverine: GMU 12—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 1–Feb. 28.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 12—No determination.	15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow and White-tailed): GMU 12—No determination.	20 per day, 40 in possession	Aug. 10–Apr. 30.

(13) GMU 13. (i) Game Management Unit 13 consists of that area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier and including the Slana River drainages north of Suslota Creek; the drainages into the Delta River upstream from Falls Creek and Black Rapids Glacier; the drainages into the Nenana River upstream from the southeast corner of Denali National Park at Windy; the drainage into the Susitna River upstream from its junction with the Chulitna River; the drainage into the

east bank of the Chulitna River upstream to its confluence with Tokositna River; the drainages of the Chulitna River (south of Denali National Park) upstream from its confluence with the Tokositna River; the drainages into the north bank of the Tokositna River upstream to the base of the Tokositna Glacier; the drainages into the Tokositna Glacier; the drainages into the east bank of the Susitna River between its confluences with the Talkeetna and Chulitna Rivers; the drainages into the north bank of the Talkeetna River; the drainages into the east bank of the Chickaloon River; the drainages of the Matanuska River above its confluence with the Chickaloon River;

(A) Unit 13(A) consists of that portion of Unit 13 bounded by a line beginning at the Chickaloon River bridge at Mile 77.7 on the Glenn Highway, then along the Glenn Highway to its junction with the Richardson Highway, then south along the Richardson Highway to the foot of Simpson Hill at Mile 111.5, then east to the east bank of the Copper River, then northerly along the east bank of the Copper River to its junction with the Gulkana River, then northerly along the west bank of the Gulkana River to its junction with the West Fork of the Gulkana River, then westerly along the west bank of the West Fork of the Gulkana River to its source, an unnamed lake, then across the divide into the Tyone River drainage, down an unnamed stream into the Tyone River, then down the Tyone River to the Susitna River, then down the southern bank of the Susitna River to the mouth of Kosina Creek, then up Kosina Creek to its headwaters, then across the divide and down Aspen Creek to the Talkeetna River, then southerly along the boundary of Unit 13 to the Chickaloon River bridge, the point of beginning;

(B) Unit 13(B) consists of that portion of Unit 13 bounded by a line beginning at the confluence of the Copper River and the Gulkana River, then up the east bank of the Copper River to the Gakona River, then up the Gakona River and Gakona Glacier to the boundary of Unit 13, then westerly along the boundary of Unit 13 to the Susitna Glacier, then southerly along the west bank of the Susitna Glacier and the Susitna River to the Tyone River, then up the Tyone River and across the divide to the headwaters of the West Fork of the Gulkana River, then down the West Fork of the Gulkana River to the confluence of the Gulkana River and the Copper River, the point of beginning;

(C) Unit 13(C) consists of that portion of Unit 13 east of the Gakona River and Gakona Glacier;

(D) Unit 13(D) consists of that portion of Unit 13 south of Unit 13(A);

(E) Unit 13(E) consists of the remainder of Unit 13;

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified.

(A) Lands within Mount McKinley National Park as it existed prior to December 2, 1980 are closed to subsistence. Denali National Preserve and lands added to Denali National Park on December 2, 1980 are open to subsistence.

(B) Delta Controlled Use Area:

(*1*) The area consists of the drainages of the Tanana River south of the Alaska Highway, from the west bank of the Johnson River to and including drainages of the Delta River north of the north bank of Miller Creek and Canwell Glacier in Units 13(B), 20(A), and 20(D);

(*2*) The area is closed to the use of any motorized vehicle or pack animal for hunting, from August 5 through August 25; however, this does not prohibit motorized access to the area for hunting, or transportation of game on the Richardson Highway;

(C) The Paxson Closed Area in Unit 13(B), which consists of the eastern drainage of the Gulkana River lying west of the Richardson Highway and the western drainage of the Gulkana River between the Denali Highway and the north end of Paxson Lake where the Gulkana River enters Paxson Lake, is closed to the taking of big game;

(D) The Sheep Mountain Closed Area which lies along the Glenn Highway in Unit 13(A) and is bounded by a line from Caribou Creek, Milepost 107 Glenn Highway, then easterly along the Glenn Highway to Milepost 123, then north to Squaw Creek, then downstream to Caribou Creek, then down Caribou Creek to the point of beginning, is closed to the taking of mountain goat and Dall sheep;

(E) The Sourdough Controlled Use Area:

(*1*) The area consists of that portion of Unit 13(B) bounded by a line beginning at the confluence of Sourdough Creek and the Gulkana River, then northerly along Sourdough Creek to the Richardson Highway at approximately Mile 148, then northerly along the Richardson Highway to the Meiers Creek Trail at approximately Mile 170, then westerly along the trail to the Gulkana River, then southerly along the east bank of the Gulkana River to its confluence with Sourdough Creek, the point of beginning;

(*2*) The area is closed to the use of any motorized vehicle for hunting; however, this does not prohibit motorized access or transportation of game on the Richardson Highway, Sourdough and Haggard Creeks, Meiers Lake trails, or other trails designated by the Alaska Department of Fish and Game;

(F) The Clearwater Creek Controlled Use Area:

(*1*) The area consists of that portion of Unit 13(B) north of the Denali Highway, west of and including the MacLaren River drainage, east of and including the eastern bank drainages of the Middle Fork of the Susitna River downstream from and including the Susitna Glacier, and the eastern bank drainages of the Susitna River downstream from its confluence with the Middle Fork;

(*2*) The area is closed to the use of any motorized vehicle for hunting; however, this does not prohibit motorized access, or transportation of game, on the Denali Highway;

(G) The Tonsina Controlled Use Area:

(*1*) The area consists of that portion of Unit 13(D) bounded on the west by the Richardson Highway from the Tiekel River to the Tonsina River at Tonsina, on the north along the south bank of the Tonsina River to where the Edgerton Highway crosses the Tonsina River, then along the Edgerton Highway to Chitina, on the east by the Copper River from Chitina to the Tiekel River, and on the south by the north bank of the Tiekel River;

(*2*) The area is closed to the use of any motorized vehicle or pack animal for hunting, from August 5 to September 30;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—"No open season" means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 13—No determination	Unit 13—3 bears	July 1–June 30.
Caribou: GMU 13—Nelchina Herd—Residents of Units 11, 13, and 12 (along the Nabesna Road).	Unit 13—2 caribou by Federal registration permit only. Hunting within the Trans Alaska Oil Pipeline right-of-way is prohibited. The right-of-way is identified as the area occupied by the pipeline (buried or above ground) and the cleared area 25 feet on either side of the pipeline.	Aug. 10–Sept. 20 and Jan. 5–Mar. 31.
Sheep:		
GMU 13—Tok Management Area—No subsistence	Unit 13—excluding Unit 13(D) and the Tok and Delta Management Areas—1 Ram with 7/8 curl horn.	Aug. 10–Sept. 20.
GMU 13—Delta management Area—No subsistence		
GMU 13—Unit 13(D)—No subsistence		
GMU 13—Remainder of Unit 13—No determination		
Goats: GMU 13—Unit 13(D)—No subsistence		No open season.
Moose: GMU 13—Residents of Unit 13	Unit 13—1 bull moose by Federal registration permit only; only 1 permit will be issued per household. Source of permits—Bureau of Land Management, Glennallen District Office, Glennallen AK.	Aug. 25–Sept. 20.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 13—No determination.	No limit	July 1–June 30.
Beaver: GMU 13—No determination	Trapping—30 Beaver per season	Nov. 10–Apr. 30.
Coyote: GMU 13—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): GMU 13—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 10–Feb. 28.
Hares (Snowshoe and Arctic): GMU 13—No determination	No limit	July 1–June 30.
Lynx: GMU 13—No determination	Hunting—2 Lynx	Dec. 15–Jan. 15.
	Trapping—No limit	Dec. 15–Jan. 15.
Marten: GMU 13—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Mink and Weasel: GMU 13—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Muskrat: GMU 13—No determination	Trapping—No limit	Nov. 10–June 10.
Otter (land only): GMU 13—No determination	Trapping—No limit	Nov. 10–Mar. 31.
Squirrel (Red, Ground and Flying): GMU 13—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 13—Residents of Units 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—10 Wolves	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Wolverine: GMU 13—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 10–Feb. 28.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 13—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow and White-tailed): GMU 13—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	20 per day, 40 in possession	Aug. 10–Mar. 31.

(14) GMU 14. (i) Game Management Unit 14 consists of drainages into the north side of Turnagain Arm west of and excluding the Portage Creek drainage, drainages into Knik Arm excluding drainages of the Chickaloon and Matanuska Rivers in Unit 13, drainages into the north side of Cook Inlet east of the Susitna River, drainages into the east bank of the Susitna River downstream from the Talkeetna River, and drainages into the south bank of the Talkeetna River;

(A) Unit 14(A) consists of drainages in Unit 14 bounded on the west by the Susitna River, on the north by Willow Creek, Peters Creek, and by a line from the head of Peters Creek to the head of the Chickaloon River, on the east by the eastern boundary of Unit 14, and on the south by Cook Inlet, Knik Arm, the south bank of the Knik River from its mouth to its junction with Knik Glacier, across the face of Knik Glacier and along the north side of Knik Glacier to the Unit 6 boundary;

(B) Unit 14(B) consists of that portion of Unit 14 north of Unit 14(A);

(C) Unit 14(C) consists of that portion of Unit 14 south of Unit 14(A);

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) The Fort Richardson Management Area, consisting of the Fort Richardson Military Reservation, is open to the taking of big game by permit only;

(B) The Eagle River Management Area, consisting of the Eagle River drainage upstream from the Glenn Highway in Unit 14(C) is closed to hunting, except sheep hunting by permit;

(C) The Anchorage Management Area:

(*1*) The area consists of all Cook Inlet drainages south of the Elmendorf and Fort Richardson military reservations and north of and including Rainbow Creek, but excluding the Anchorage Coastal Wildlife Refuge;

(*2*) The Anchorage Management Area is closed to hunting, except that moose hunting is allowed by State of Alaska permit only; and small game and waterfowl may be taken by falconry, except that waterfowl may not be taken in the Ship Creek drainage west of Post Road;

(D) The Eklutna Lake Management Area:

(*1*) The area consists of the drainages of Eklutna River and Eklutna Lake in Unit 14(C) upstream from the Glenn Highway, excluding those drainages flowing into the East Fork of Eklutna River upstream from the bridge above the Lake and Thunderbird Creek;

(*2*) The area is closed to hunting, except that:

(*i*) Small game may be taken by bow and arrow only, from the day after Labor Day through April 30;

(*ii*) Moose hunting is allowed by permit with bow and arrow only;

(*iii*) Black bear may be taken by bow and arrow only, from the day after Labor Day to May 20, for one bear only;

(*iv*) Sheep may be taken by permit, and by bow and arrow only, from the day after Labor Day through September 30;

(E) The Peters Creek Management Area:

(*1*) The area consists of all lands bounded on the south and west by Eagle River and the Fort Richardson Military Reservation, on the east by the old Glen Highway, and on the north by Peters Creek;

(2) The area is closed to hunting except that:

(i) Small game may be taken by shotgun or bow and arrow only, north and west of the Alaska Railroad;

(ii) Moose hunting is allowed by drawing permit, by bow and arrow only.

(ii) The following areas in Unit 14(C) (Anchorage Area) are closed to the trapping of furbearers for subsistence as indicated:

(A) The drainages into Eklutna River and Eklutna Lake, excluding those drainages flowing into the East Fork of the Eklutna River, upstream from the bridge above the lake, within the Chugach State Park except Thunderbird Creek;

(B) Eagle River and all drainages into Eagle River;

(C) That portion of Chugach State Park outside of the Eagle River, Anchorage, and Eklutna Management areas is open to trapping under Unit 14(C) seasons and bag limits, except no trapping of wolf, wolverine, land otter, or beaver is allowed;

(D) All land and water within the Anchorage Management Area as described in the preceding subsection;

(E) In the Anchorage Coastal Wildlife Refuge in Unit 14(C), described in Alaska Statute 16.20.031: all land and water south and west of and adjacent to the toe of the bluff that extends from Point Woronzof southeasterly to Potter Creek.

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—Those residents listed under eligibility are the qualified subsistence users.
—"No open season" means no Federal subsistence season.
—"No determination" indicates open to Alaska rural residents.

(iii)

Eligibility department	Bag limits	Open season
Black Bear: GMU 14—Units 14 (A) and (C)—No determination	Unit 14 (A), (C)—1 bear	July 1–June 30.
Brown Bear: GMU 14—Unit 14(A)—No determination	Unit 14(A)—1 bear every four regulatory years	Sept. 1–Oct. 10.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 14—No determination.	No limit	July 1–June 30.
Beaver: GMU 14—No determination	Trapping—Unit 14(A)—30 Beaver per season	Nov. 10–Apr. 30.
	Trapping—Unit 14(C)—That portion within the drainages of Glacier Creek, Kern Creek, Peterson Creek, and the Twentymile River—20 per season.	Feb. 1–Mar. 31.
	Unit 14(C)—Remainder	No Open Season.
Coyote: GMU 14—No determination	Hunting—Unit 14 (A) and (C)—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—Unit 14(A)—No limit	Nov. 10–Mar. 31.
	Trapping—Unit 14(C)—No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): GMU 14—No determination.	Hunting—Unit 14—2 Foxes	Nov. 1–Feb. 15.
	Trapping—Unit 14(A)—No limit	Nov. 10—Feb. 28.
	Trapping—Unit 14(C)—1 Fox	Nov. 10—Feb. 28.
Hares (Snowshoe and Arctic): GMU 14—No determination	Hunting—Unit 14(A)—5 Hares per day	July 1–June 30.
	Hunting—Unit 14(C)—5 Hares per day	Day after Labor Day–Apr. 30.
Lynx: GMU 14—No determination	Hunting—2 Lynx	Dec. 15–Jan. 15.
	Trapping—No limit	Dec. 15–Jan. 15.
Marten: GMU 14—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Mink and Weasel: GMU 14—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Muskrat: GMU 14—No determination	Trapping—No limit	Nov. 10–May 15.
Otter (land only): GMU 14—No determination	Trapping—Unit 14(a)—No limit	Nov. 10–Mar. 31.
	Trapping—Unit 14(C)—No limit	Nov. 10–Feb. 28.
Squirrel (Red, Ground and Flying): GMU 14—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 14—No determination	Hunting—Unit 14(A)—4 Wolves	Aug. 10–Apr. 30.
	Trapping—No Limit	Nov. 10–Mar. 31.
	Hunting—Unit 14(C)—1 Wolf	Aug. 10–Apr. 30.
	Trapping—No Limit	Nov. 10–Feb. 28.
Wolverine: GMU 14—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 10–Feb. 28.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 14—No determination.	Unit 14(A)—15 per day, 30 in possession	Aug. 10–Mar. 31.
	Unit 14(C)—5 per day, 10 in possession	Day after Labor Day–Mar. 31.
Ptarmigan (Rock, Willow and White-tailed): GMU 14—No determination.	Unit 14(A)—10 per day, 20 in possession	Aug. 10–Mar. 31.
	Unit 14(C)—10 per day, 20 in possession	Day after Labor Day–Mar 31.

(15) GMU 15. (i) Game Management Unit 15 consists of that portion of the Kenai Peninsula and adjacent islands draining into the Gulf of Alaska, Cook Inlet and Turnagain Arm from Gore Point to the point where longitude line 150° 00′ W. crosses the coast line of Chickaloon Bay in Turnagain Arm, including that area lying west of longitude line 150° 00′ W. to the mouth of the Russian River, then southerly along the Chugach National Forest boundary to the upper end of Upper Russian Lake; and including the drainages into Upper Russian Lake west of the Chugach National Forest boundary;

(A) Unit 15(A) consists of that portion of Unit 15 north of the Kenai River and Skilak Lake;

(B) Unit 15(B) consists of that portion of Unit 15 south of the Kenai River and Skilak Lake, and north of the Kasilof River, Tustumena Lake, Glacier Creek, and Tustumena Glacier;

(C) Unit 15(C) consists of the remainder of Unit 15;

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified.

(A) The Kenai Controlled Use Area, consisting of that portion of Unit 15(A) north of the Sterling Highway, is closed during moose-hunting season to the use of aircraft for hunting moose, including transportation of a moose hunter or moose part; however, this does not apply after 12:01 a.m., September 11, and does not apply to transportation of a moose hunter or moose part by aircraft

between publicly owned airports in the Controlled Use Area or from a publicly owned airport within the area to points outside of the area;

(B) The Lower Kenai Controlled Use Area, consisting of Unit 15(C), is closed to the use of any motorized vehicle except an aircraft or boat for hunting moose from September 11 through September 20, including transportation of a moose hunter or moose part; however this does not apply to a motorized vehicle on a State- or Borough-maintained highway;

(C) the Skilak Loop Management Area; consisting of that portion of Unit 15(A) bounded by a line beginning at the easternmost junction of the Sterling Highway and the Skilak Loop (milepost 76.3), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop Road to its westernmost junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning; is closed to hunting and trapping except that small game may be taken only from October 1 through March 1 by bow and arrow only, and antlerless moose may be taken by permit only.

(iii) The following areas are closed to the trapping of furbearers for subsistence as indicated:

(A) Within the city limits of Homer (Unit 15) as those limits existed in November 1987;

(B) The Skilak Loop Wildlife Management Area;

(C) That portion of Unit 15(B) east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier is closed to the trapping of marten;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.

—"No open season" means no Federal subsistence season.

—"No determination" indicates open to Alaska rural residents.

(iv)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 15—No determination	Unit 15—3 bears	July 1–June 30.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 15—No determination.	No limit	July 1–June 30.
Beaver: GMU 15—No determination	Trapping—20 Beaver per season	Feb. 1–Mar. 31.
Coyote: GMU 15—No determination	Hunting—No limit	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phase): GMU 15—No determination.	Trapping—1 Fox	Nov. 10–Feb. 28.
Hares (Snowshoe and Arctic): GMU 15—No determination	Hunting—No limit	July 1–June 30.
Marten: GMU 15—No determination	Trapping—Unit 15(B)—that portion east of the Kenai River, Skilak Lake, Skilak River and Skilak Glacier.	No open season.
	Unit 15—Remander—No limit	Nov. 10–Jan. 31.
Mink and Weasel: GMU 15—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Muskrat: GMU 15—No determination	Trapping—No limit	Nov. 10–May 15.
Otter (land only): GMU 15—No determination	Trapping—Unit 15(A), (B)—No limit	Nov. 10–Jan. 31.
	Trapping—Unit 15(C)—No limit	Nov. 10–Feb. 28.
Squirrel (Red, Ground and Flying): GMU 15—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 15—No determination	Hunting—1 Wolf	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 10–Feb. 28.
Wolverine: GMU 15—No determination	Hunting—Unit 15—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—Unit 15(A)	No open season.
	Trapping—Unit 15(B), (C)—No limit	Nov. 10–Feb. 28.
Crow: GMU 15—No determination	40 per day	Sept. 1–Nov. 17 and Mar. 1–Apr. 15.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 15—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow and White-tailed): GMU 15—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	Unit 15(A), (B)—20 per day, 40 in possession	Aug. 10–Mar 31.
	Unit 15(C)—20 per day, 40 in possession	Aug. 10–Dec. 31.
	5 per day, 10 in possession	Jan. 1–Mar. 31.

(16) GMU 16. (i) Game Management Unit 16 consists of the drainages into Cook Inlet between Redoubt Creek and the Susitna River, including Redoubt Creek drainage, Kalgin Island, and the drainages on the west side of the Susitna River (including the Susitna River) upstream to its junction with the Chulitna River; the drainages into the west side of the Chulitna River (including the Chulitna River) upstream to the Tokositna River, and drainages into the south side of the Tokositna River upstream to the base of the Tokositna Glacier, including the drainage of the Kanitula Glacier;

(A) Unit 16(A) consists of that portion of Unit 16 east of the east bank of the Yentna River from its mouth upstream to the Kahiltna River, east of the east bank of the Kahiltna River, and east of the Kahiltna Glacier;

(B) Unit 16(B) consists of the remainder of Unit 16;

(ii) Public Lands within the following areas are closed to subsistence take or subsistence take is restricted as specified. (A) Lands within Mount McKinley National Park as it existed prior to December 2, 1980 are closed to subsistence. Denali National Preserve and lands added to Denali National Park on December 2, 1980 are open to subsistence.

(B) [Reserved]

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—"No open season" means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users.

Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

Eligibility determination	Bag limits	Open season
Black Bear: GMU 16—No determination	Unit 16—3 bears	July 1–June 30.
Caribou; GMU 16—No determination	Unit 16 —1 caribou	Aug. 10–Oct. 31.
Moose:		
GMU 16–Unit 16(A)—No subsistence	Unit 16(b)—Kalgin Island—No Federal land	No open season.
GMU 16–Unit 16(B)— Residents of Unit 16(B)	Unit 16(B)—Redoubt Bay Drainages south and west of, and including the Kustatan River drainage—1 bull.	Sept. 1–Sept. 15.
	Unit 16(B)—Remainder—1 moose, however antlerless moose may be taken only from Sept. 25–Sept. 30 and from Dec. 1 to Feb. 28 by Federal registration permit only.	Sept. 1–Sept. 30 and Dec. 1–Feb. 28.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 16—No determination	No limit	July 1–June 30.
Beaver: GMU 16—No determination	Trapping—30 Beaver per season	Nov. 10–Apr. 30.
Coyote: GMU 17–No determination	Hunting–2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases); GMU 16—No determination.	Hounting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 10–Feb. 28.
Hares (Snowshoe and Arctic); GMU 16—No determination	Hunting–No limit	July 1–June 30.
LYNX: GMU 16—No determination	Hunting—2	Dec. 15–Jan. 15.
	Trapping—No limit	Dec. 15–Jan. 15.
Marten: GMU 16—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Mink and Weasel: GMU 16—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Muskrat: GMU 16—No determination	Trapping—No limit	Nov. 10–June 10.
Otter (land only): GMU 16—No determination	Trapping—Not limit	Nov. 10–Mar. 31.
Squirrel (Red, Ground and Flying): GMU 16—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 16—Residents of Units 6, 9, 10 (Unimak Island Only), 11–13, and 16–26.	Hunting—4 Wolves	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Wolverine: GMU 16—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 10–Feb. 28.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed); GMU 16—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock Willow and White-tailed); GMU 16—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	20 per day, 40 in possession	Aug. 10–Mar. 31.

(17) GMU 17. (i) Game Management Unit 17 consists of drainages into Bristol Bay and the Bering Sea between Etolin Point and Cape Newenham, and all islands between these points, including Hagemeister Island and the Walrus Islands;

(A) Unit 17(A) consists of the drainages between Cape Newenham and Cape Constantine, and Hagemeister Island and the Walrus Islands;

(B) Unit 17(B) consists of the Nushagak River drainage upstream from and including the Mulchatna River drainage, and the Wood River drainage upstream from the outlet of Lake Beverley;

(C) Unit 17(C) consists of the remainder of Unit 17;

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified.

(A) All islands and adjacent waters within one-half mile of each island in the Walrus Islands State Game Sanctuary, as described in Alaska Statute 16.20.110, except for those islands known as the Twins and their adjacent waters are closed to hunting;

(B) The Upper Mulchatna Controlled Use Area consisting of Unit 17(B), is closed to the use of any motorized vehicle, except aircraft and boats and in legally permitted hunting camps, for hunting big game from August 1 to November 1, including transportation of big game hunters and parts of big game.

(iii) The following areas are closed to the trapping of furbearers for subsistence as indicated: all islands within the Walrus Islands State Game Sanctuary as described in Alaska Statute 16.20.110.

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—"No open season" means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257–2572).

(iv)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 17—No determination	Unit 17—3 bears	July 1–June 30.
Brown Bear:		
GMU 17— Unit 17(A)—Residents of Unit 17, Goodnews Bay and Platinum.	Unit 17(A), (C)—1 bear every four regulatory years	Sept. 10–Oct. 10 and April 10–May 25.
GMU 17—Unit 17 (B) and (C)—Residents of Unit 17	Unit 17(B)—1 bear every four regulatory years	Sept. 10–Oct. 10 and May 10–May 25.

Eligibility determination	Bag limits	Open season
GMU 17—Unit 17 (A) and (B)—those portions north and west of a line beginning from the GMU 18 boundary at the northwest end of Nenevok Lake, to the southern point of Upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, north-east to the point where the GMU 17 boundary intersects the Shotgun Hills—Residents of Kwethluk		
Caribou:		
GMU 17—Residents of Unit 9(B), 17, and residents of Lime Village and Stony River.	Unit 17(A), and (C)—that portion of Unit 17(C) west of Nushagak River.	No open season.
GMU 17—Unit 17 (A) and (B) portions as described above—Residents of Kwethluk.	Unit 17(B), and (C)—that portion of 17(C) east of the Nushagak River—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Aug. 31, and no more than 1 caribou may be taken Sept. 1–Nov. 30.	Aug. 10–Mar. 31.
Sheep: GMU 17—Unit 17—No determination	Unit 17—1 ram with full curl horn or larger	Aug. 10—Sept. 20.
Moose:		
GMU 17—Unit 17(A)—Residents of Unit 17 and residents of Goodnews Bay and Platinum.	Unit 17(A)	No open season.
GMU 17—Unit 17 (B), (C)—Residents of Unit 17, Nondalton, Levelock, Goodnews Bay and Platinum.	Unit 17(B)—that portion that incudes all the Mulchatna River drainage upstream from and including the Chilchitna River drainage—1 bull.	Sept. 1–Sept. 20.
GMU 17—Unit 17 (A) and (B) portions as described above—Residents of Kwethluk.	Unit 17(B)—Remainder—1 bull	Aug. 20–Sept. 15 and Dec. 1–Dec. 31.
	Unit 17(C)—that portion that includes the Iowithla drainage and Sunshine Valley and all lands west of Wood River and south of Aleknagik Lake—1 bull.	Aug. 20–Sept. 15.
	Unit 17(C)—Remainder—1 bull	Aug. 20–Sept. 15 and Dec. 1–Dec. 31.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 17—No determination	No limit	July 1–June 30.
Beaver: GMU 17—No determination	Trapping—Unit 17(A)—20 Beavers per season	Jan. 1–Jan. 31.
	Trapping—Unit 17(B), (C)—20 Beavers per season	Jan. 1–Feb. 28.
Coyote: GMU 17—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 10–Mar 31.
Fox, Arctic (Blue and White Phase): GMU 17—No determination	Hunting—No limit	Dec. 1–Mar. 15.
	Trapping—No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): GMU 17—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 10–Feb. 28.
Hares (Snowshoe and Arctic): GMU 17—No determination	Hunting—No limit	July 1–June 30.
Lynx: GMU 17—No determination	Hunting—2 Lynx	Nov. 10–Feb. 28.
	Trapping—No limit	Nov. 10–Feb. 28.
Marten: GMU 17—No determination	Trapping—No limit	Nov. 10–Feb. 28.
Mink and Weasel: GMU 17—No determination	Trapping—No limit	Nov. 10–Feb. 28.
Muskrat: No determination	Trapping—No limit	Nov. 10–June 10.
Otter (land only): GMU 17—No determination	Trapping—No limit	Nov. 10–Mar. 31.
Squirrel (Red, Ground and Flying): GMU 17—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 17—Residents of Units, 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—10 Wolves	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Wolverine: GMU 17—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 10–Feb. 28.
Cormorant: GMU 17—No determination	No limit	July 1–June 30.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 17—No determination.	15 per day; 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow and White-tailed): GMU 17—No determination.	20 per day, 40 in possession	Aug. 10–Apr. 30.
Snowy Owl: GMU 17—No determination	No limit	July 1–June 30.

(18) GMU 18. (i) Game Management Unit 18 consists of that area draining into the Yukon and Kuskokwim Rivers downstream from a straight line drawn between Lower Kalskag and Paimiut and the drainages flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak, St. Matthews, and adjacent islands between Cape Newenham and the Pastolik River;

(ii) Public lands within the following area are closed to subsistence take or subsistence take is restricted as specified. The Kalskag Controlled Use Area consisting of that portion of Unit 18 bounded by a line from Lower Kalskag on the Kuskokwim River, northwesterly to Russian Mission on the Yukon River, then east along the north bank of the Yukon River to the old site of Paimiut, then back to Lower Kalskag is closed to the use of aircraft for hunting big game, including transportation of any big game hunter and big game part; however, this does not apply to transportation of a big game hunter or big game part by aircraft between publicly owned airports in the controlled use area or from a publicly owned airport within the area to points outside the area;

Note. There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.

—"No open season" means no Federal subsistence season.

—"No determination" indicates open to Alaska rural residents.

(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 18—No determination	Unit 18—3 bears	July 1–June 30.
Brown Bear: GMU 18—Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mt. Village, Napaskiak, Platinum Quinhagak, St. Mary's, and Tuluksak.	Unit 18—Residents domiciled in Kwethluk—1 bear All others—1 bear every four regulatory years	Sept. 10–Oct. 10. Apr. 10–May 25.
Caribou: GMU 18—Residents of Kwethluk	Unit 18—north of the Yukon River—1 caribou	Feb. 1–Mar. 31.
	Unit 18—Remainder	No open season.
Moose: GMU 18—Residents of GMU 18 and Upper Kalskag	Unit 18—that portion north and west of a line from Cape Romanzof to Kuzilvak Mountain, and then to Mountain Village, and west of (but not including) the Andreafsky River drainage; and those portions contained in the Kanektok and Goodnews drainages.	No open season (Closed to *all* moose hunting).
	Unit 18—Remainder—1 antlered moose. A 10 day hunt falling sometime between Dec. 1 and Feb. 28 shall also be opened by announcement of the Federal Subsistence Board. Federal lands in Unit 18 are closed to the hunting of moose except by rural Alaska residents of Unit 18 and Upper Kalskag.	Sept. 1–Sept. 30 (Winter season to be announced).
Bat, Shrew, Rat, Mouse, and Porcupine: GMU 18—No determination	No limit	July 1–June 30.
Beaver: GMU 18—No determination	Trapping—No limit	Nov. 1–June 10.
Coyote: GMU 18—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White Phase): GMU 18—No determination	Hunting—2 Foxes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): GMU 18—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 10–Mar. 31.
Hares (Snowshoe and Arctic): GMU 18—No determination	No limit	July 1–June 30.
Lynx: GMU 18—No determination	Hunting—2 Lynx	Nov. 10–Mar. 31.
	Trapping—No limit	Nov. 10–Mar. 31.
Marten: GMU 18—No determination	Trapping—No limit	Nov. 10–Mar. 31.
Mink and Weasel: GMU 18—No determination	Trapping—No limit	Nov. 10–Jan. 31.
Muskrat: GMU 18—No determination	Trapping—No limit	Nov. 10–June 10.
Otter (land only): GMU 18—No determination	Trapping—No limit	Nov. 10–Mar. 31.
Squirrel (Red, Ground and Flying): GMU 18—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 18—Residents of Units 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—4 Wolves	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
Wolverine: GMU 18—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 10–Mar. 31.
Cormorant: GMU 18—No determination	No limit	July 1–June 30.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 18—No determination.	15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow and White-tailed): GMU 18—No determination.	20 per day, 40 in possession	Aug. 10–Apr. 30.
Snowy Owl: GMU 18—No determination	No limit	July 1–June 30.

(19) GMU 19. (i) Game Management Unit 19 consists of the Kuskokwim River drainage upstream from Lower Kalskag;

(A) Unit 19(A) consists of the Kuskokwim River drainage downstream from and including the Moose Creek drainage on the north bank and downstream from and including the Stony River drainage on the south bank, excluding Unit 19(B);

(B) Unit 19(B) consists of the Aniak River drainage upstream from and inlcuding the Salmon River drainage, the Holitna River drainage upstream from and including the Bakbuk Creek drainage, that area south of a line from the mouth of Bakbuk Creek to the radar dome at Sparrevohn Air Force Base, including the Hoholitna River drainage upstream from that line, and the Stony River drainage upstream from and including the Can Creek drainage;

(C) Unit 19(C) consists of that portion of Unit 19 south and east of a line from Benchmark M#1.26 (approximately 1.26 miles south of the northwest corner of the original Mt. McKinley National Park boundary) to the peak of Lone Mountain, then due west to Big River, including the Big River drainage upstream from that line, and including the Swift River drainage upstream from and including the North Fork drainage;

(D) Unit 19(D) consists of the remainder of Unit 19;

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) Lands within Mount McKinley National Park as it existed prior to December 2, 1980 are closed to subsistence. Denali National Preserve and lands added to Denali National Park on December 2, 1980 are open to subsistence.

(B) The Upper Kuskokwim Controlled Use Area consisting of that portion of Unit 19(D) upstream from the mouth of Big River including the drainages of the Big River, Middle Fork, South Fork, East Fork, and Tonzona River, and bounded by a line following the west bank of the Swift Fork (McKinley Fork) of the Kuskokwim River to 152° 50′ W. long., then north to the boundary of Denali National Preserve, then following the western boundary of Denali National Preserve north to its intersection with the Minchumina-Telida winter trail, then west to the crest of Telida Mountain, then north along the crest of Munsatli Ridge to elevation 1,610, then northwest to Dyckman Mountain and following the crest of the divide between the Kuskokwin River and the Nowitna drainage, and the divide between the Kuskokwim River and the Nixon Fork River to Loaf bench mark on Halfway Mountain, then south to the west side of Big River drainage, the point of beginning, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or mose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the Controlled Use Area or from a publicly owned airport within the area to points outside the area;

(C) The Lime Village Management Area consists of that portion of Unit 19(A) drained by the Stoney River from the mouth of the Stink River, including the Stink River drainage, upstream to

but not including the Can Creek drainage.

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—"No open season" means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257–2572).

(iii)

Eligibility determination	Bag limits	Open season.
Black Bear: GMU 19—No determination	Unit 19—3 bears	July 1–June 30.
Brown Bear:		
GMU 19—Unit 19(A)—Residents of Unit 19(A), (D), Tuluksak, Lower Kalskag and Kwethluk.	Unit 19(A), (D)—1 bear every four regulatory years	Sept. 1–May 31.
GMU 19—Unit 19(B)—Residents of Kwethluk	Unit 19(B)—1 bear every four regulatory years	Sept. 10–May 25.
GMU 19—Unit 19(D)—Residents of Unit 19(A), (D), Tulusak and Lower Kalskag.		
GMU 19—Unit 19(C)—No subsistence	Unit 19(C)	No open season.
Caribou:		
GMU 19—Unit 19(A), (B)—(fall season) Residents of Unit 19(A), (B) and Kwethluk; (winter season) Residents of Unit 18 in Kuskokwim Drainage and Bay, residents of 19(A), (B) and Kwethluk.	Unit 19(A) north of Kuskokwim River—1 caribou	Aug. 10–Sept. 30 and Nov. 1–Feb. 28
	Unit 19(A) south of the Kuskokwim River, and Unit 19(B) (excluding residents of Lime Village)—4 caribou.	Aug. 10–Mar. 31.
GMU 19—Unit 19(C)—Residents of Unit 19(C), Lime Village, McGrath, Nikolai, and Telida.	Unit 19(C)—1 caribou	Aug. 10–Oct. 10.
GMU 19—Unit 19(D)—Residents of Unit 19(D), Lime Village, Sleetmute, and Stony River.	Unit 19(D) south and east of the Kuskokwim River and North Fork of the Kuskokwim River—1 caribou.	Aug. 10–Sept. 30 and Nov. 1–Jan. 31.
	Unit 19(D)—Remainder—1 caribou	Aug. 10–Sept. 30.
	Unit 19—Lime Village Management Area—Residents domiciled in Lime Village only; no individual bag limit but a village harvest quota of 100 caribou; cows and calves may not be taken from Apr. 1–Aug. 9.	July 1–June 30.
Sheep: GMU 19—No determination	Unit 19—1 ram with ⅞ curl	Aug. 10–Sept. 20.
Moose:		
GMU 19—Unit 19(A), (B)—Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River and Unit 19.	Unit 19—Lime Village Management Area—Residents of Lime Village only—No individual bag limit but a village harvest quota of 30 moose; either sex.	July 1–June 30.
	Unit 19(A)—1 moose; however, antlerless moose may be taken only from Nov. 20–Nov. 30 and Feb. 1–Feb. 10.	Sept. 1–Sept. 20; Nov. 20–Nov. 30; Feb. 1–Feb. 10.
GMU 19—Unit 19(C)—Residents of Unit 19	Unit 19(B)—1 bull	Sept. 1–Sept. 30.
GMU 19—Unit 19(D)—Residents of Unit 19 and residents of Lake Minchumina.	Unit 19(C)—1 bull	Sept. 1–Oct. 10.
	Unit 19(D)—that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 bull.	Sept. 1–Sept. 30.
	Unit 19(D)—remainder of the Upper Kuskokwim Controlled Use Area—1 bull.	Sept. 1–Sept. 30 and Dec. 1–Feb. 28.
	Unit 19(D)—Remainder—1 bull	Sept. 1–Sept. 30 and Dec. 1–Dec. 15.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 19—No determination	No limit	July 1–June 30.
Beaver: GMU 19—No determination	Trapping—50 Beaver per season	Nov. 1–Apr. 15.
Coyote: GMU 19—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): GMU 19—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 1–Mar. 31.
Hares (Snowshoe and Arctic): GMU 19—No determination	No limit	July 1–June 30.
Lynx: GMU 19—No determination	Hunting—2 Lynx	Nov. 1–Feb. 28.
	Trapping—No limit	Nov. 1–Feb. 28.
Marten: GMU 19—No determination	Trapping—No limit	Nov. 1–Feb. 28.
Mink and Weasel: GMU 19—No determination	Trapping—No limit	Nov. 1–Feb. 28.
Muskrat: GMU 19—No determination	Trapping—No limit	Nov. 1–June 10.
Otter (land only): GMU 19—No determination	Trapping—No limit	Nov. 1–Apr. 15.
Raccoon: GMU 19—No determination	No limit	July 1–June 30.
Squirrel (Red, Ground and Flying): GMU 19—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 19—Residents of Units 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—10 Wolves	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 1–Mar. 31.
Wolverine: GMU 19—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 19—No determination.	15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow and White-tailed): GMU 19—No determination.	20 per day, 40 in possession	Aug. 10–Apr. 30.

(20) GMU 20. (i) Unit 20 consists of the Yukon River drainage upstream from and including the Tozitna River drainage to and including the Hamlin Creek drainage, drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, the Ladue River and Fortymile River drainages and the Tanana River drainage north of Unit 13 and downstream from the east bank of the Robertson River;

(A) Unit 20(A) consists of that portion of Unit 20 bounded on the south by the Unit 13 boundary, bounded on the east by the west bank of the Delta River, bounded on the north by the north bank of the Tanana River from its confluence with the Delta River downstream to its confluence with the Nenana River, and bounded on the west by the east bank of the Nenana River;

(B) Unit 20(B) consists of drainages into the north bank of the Tanana River from and including Hot Springs Slough upstream to and including the Banner Creek drainage;

(C) Unit 20(C) consists of that portion of Unit 20 bounded on the east by the east bank of the Nenana River and on the north by the north bank of the Tanana River downstream from the Nenana River;

(D) Unit 20(D) consists of that portion of Unit 20 bounded on the east by the east bank of the Robertson River and on the west by the west bank of the Delta River, and drainages into the north bank of the Tanana River from its confluence with the Robertson River downstream to, but excluding, the Banner Creek drainage;

(E) Unit 20(E) consists of drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, and the Ladue River drainage;

(F) Unit 20(F) consists of the remainder of Unit 20.

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) Lands within Mount McKinley National Park as it existed prior to December 2, 1980 are closed to subsistence. Denali National Preserve and lands added to Denali National Park on December 2, 1980 are open to subsistence.

(B) Delta Controlled Use Area consisting of the drainages of the Tanana River south of the Alaska Highway, from the west bank of the Johnson River to and including drainages of the Delta River north of the north bank of Miller Creek and Canwell Glacier in Units 13(B), 20(A), and 20(D) is closed to the use of any motorized vehicle or pack animal for hunting from August 5 through August 25; however, this does not prohibit motorized access to the area for hunting, or transportation of game on the Richardson Highway;

(C) The Dalton Highway Corridor Management Area, consisting of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to the Prudhoe Bay Closed Area, is closed to hunting; however, big game and small game may be taken in the area by bow and arrow only; no motorized vehicle, except aircraft, boats, and licensed highway vehicles, may be used to transport game or hunters within the Dalton Highway Corridor Management Area;

(D) Birch Lake and the area within one-half mile of Birch Lake (Mile 56 Richardson Highway) is closed to the taking of big game;

(E) Harding Lake and the area within one-half mile of Harding Lake (Mile 44 Richardson Highway) is closed to the taking of big game;

(F) Lost Lake and the area within one-half mile of Lost Lake (Mile 56 Richardson Highway) is closed to the taking of big game with firearms and crossbows;

(G) The Delta Junction Closed Area (Unit 20(D) near Delta Junction), which consists of that portion of Unit 20(D) bounded by a line beginning at the confluence of Donnelly Creek and the Delta River, then up Donnelly Creek to the Richardson Highway (Mile 238), then north along the east side of the highway to the "12 mile crossing trail" (Mile 252.4), then east along the south side of the "12 mile crossing trail" and across Jarvis Creek to the 33-Mile Loop Road then northeast along the 33-Mile Loop Road to the intersection with the Alaska Highway (Mile 1414), then southeast along the north side of the Alaska Highway to the bridge at Sawmill Creek (Mile 1403.9), then down the west bank of Sawmill Creek to its confluence with Clearwater Creek and down the south bank of Clearwater Creek to its confluence with the Tanana River, then down the Tanana River to its confluence with the Delta River, and upstream along the east bank of the Delta River to the point of beginning at Donnelly Creek, is closed to the taking of moose;

(H) The Glacier Mountain Controlled Use Area consisting of that portion of Unit 20(E) bounded by a line beginning at Mile 140 of the Taylor Highway, then north along the highway to Eagle, then west along the cat trail from Eagle to Crooked Creek, then from Crooked Creek southwest along the west bank of Mogul Creek to its headwaters on North Peak, then west across North Peak to the headwaters of Independence Creek, then southwest along the west bank of Independence Creek to its confluence with the North Fork of the Fortymile River, then easterly along the south bank of the North Fork of the Fortymile River to its confluence with Champion Creek, then across the North Fork of the Fortymile River to the south bank of Champion Creek and easterly along the south bank of Champion Creek to its confluence with Little Champion Creek, then northeast along the east bank of Little Champion Creek to its headwaters, then northeasterly in a direct line to Mile 140 on the Taylor Highway is closed to the use of any motorized vehicle for hunting, from August 5 to September 20; however, this does not prohibit motorized access via, or transportation of game on, the Taylor Highway or any airport;

(I) The Wood River Controlled Use Area consisting of that portion of Unit 20(A) bounded on the north by the south side of the Rex Trail beginning at its intersection with the Totatlanika River then easterly along the Rex Trail to Gold King airstrip, then from Gold King airstrip along the trail's extension along the north side of Japan Hills to the Wood River; on the east by the Wood River, including the Wood River drainage upstream from and including the Snow Mountain Gulch Creek drainage; on the south by the divide separating the Yanert River drainage from the drainages of Healy Creek, Moody Creek, Montana Creek and the Wood River; and on the west by the east bank of the Nenana River from the divide separating the drainage of the Yanert River and Montana Creek north to Healy Creek, then easterly along the south bank of Healy Creek to the north fork of Healy Creek, then along the north fork of Healy Creek to its headwaters, then along a straight line to the headwaters of Dexter Creek, then along Dexter Creek to the Totatlanika River, and then down the east bank of the Totatlanika River to the Rex Trail is closed to the use of any motorized vehicle except aircraft for big game hunting and transportation of any big game part from August 1 through September 30;

(J) The Macomb Plateau Controlled Use Area, consisting of that portion of Unit 20(D) south of the Alaska Highway, draining into the south side of the Tanana River between the east bank of the Johnson River upstream to Prospect Creek, and the east bank of Bear Creek (Mile 1357.3), is closed to the use of any motorized vehicle, except a floatplane on Fish Lake, for hunting or

transportation of any game part, from August 10 through September 30;

(K) The Yanert Controlled Use Area, consisting of that portion of Unit 20(A) drained by the Nenana River upstream from and including the Yanert Fork drainage, is closed to the use of any motorized vehicle, except aircraft, for big game hunting and transportation of any big game part; however, this does not prohibit motorized access via, and transportation of game on, the Parks Highway;

(L) The Minto Flats Management Area consisting of that portion of Unit 20 bounded by the Elliot Highway beginning at Mile 118, then northeasterly to Mile 96, then east to the Tolovana Hotsprings Dome, then east to the Winter Cat Trail, then along the Cat Trail south to the Old Telegraph Trail at Dunbar, then westerly along the trail to a point where it joins the Tanana River three miles above Old Minto, then along the north bank of the Tanana River (including all channels and sloughs except Swan Neck Slough), to the confluence of the Tanana and Tolovana Rivers and then northerly to the point of beginning, is open to moose hunting by permit only;

(M) The Fairbanks Management Area consists of the Goldstream subdivision (SE¼SE¼ section 28 and section 33, Township 2 North, Range 1 West, and Fairbanks Meridian) and that portion of Unit 20(B) bounded by a line from the confluence of Rosie Creek and the Tanana River, northerly along Rosie Creek to the divide between Rosie Creek and Cripple Creek, then down Cripple Creek to its confluence with Ester Creek, then up Ester Creek to its confluence with Ready Bullion Creek, then up Ready Bullion Creek to the summit of Ester Dome, then down Sheep Creek to its confluence with Goldstream Creek, then easterly along Goldstream Creek to its confluence with First Chance Creek, then up First Chance Creek to Tungsten Hill, then southerly along Steele Creek to its intersection with the Trans-Alaska Pipeline, then southerly along the pipeline right-of-way to the Chena River, then along the north bank of the Chena River to the Moose Creek dike, then southerly along Moose Creek dike to its intersection with the Tanana River, and then westerly along the north bank of the Tanana River to the point of beginning is open to moose hunting by bow and arrow only;

(N) The Ferry Trail Management Area consisting of that portion of Unit 20(A) bounded on the north by the Rex Trail; on the west by the east bank of the Nenana River from its intersection with the Rex Trail south to the divide forming the north boundary of the Lignite Creek drainage; on the south by that divide easterly and southerly to the headwaters of Sanderson Creek at Usibelli Peak, then along a southwesterly line to the confluence of Healy Creek and Coal Creek, then upstream easterly along the south bank of Healy Creek to the north fork of Healy Creek, then along the north fork of Healy Creek to its headwaters; on the east by a straight line from the headwaters of Healy Creek to the headwaters of Dexter Creek, then along Dexter Creek to the Totatlanika River, then down the east bank of the Totatlanika River to the Rex Trail is open to caribou hunting by permit only;

(o) The Healy-Lignite Management Area consisting of that portion of Unit 20 (A) that includes the entire Lignite Creek drainage, and that portion of the Nenana River drainage south of the Lignite Creek drainage and north of a boundary beginning at the confluence of the Nenana River and Healy Creek, then easterly along the south bank of Healy Creek to its confluence with Coal Creek then northeasterly to the headwaters of Sanderson Creek at Usibelli Peak is open to hunting by bow and arrow only.

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—"No open season" means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

(iii)

Eligibility determination	Bag limits	Open season
Black bear: GMU 20—No determination	Unit 20—3 bears	July 1–June 30.
Brown bear: GMU 20—Unit 20 (A), (B), (C), (D), and (F)—No determination.	Unit 20.—except Unit 20(E)—1 bear every four regulatory years	Sept. 1–May 31.
GMU 20—Unit 20(E)—No subsistence	Unit 20 (E)	No open season.
Caribou: GMU 20—Unit 20(A), (C) (Delta, Yanert, and 20(C) herds), (D)—No determination except no subsistence for residents of McKinley Village, the area along the Parks Highway between milepost 216 and 239 and households of the Denali National Parks Headquarters.	Units 20(A), (B), (C) and (D)	No open season.
GMU 20—Unit 20(D) and (E) 40-Mile Herd—Residents of Unit 12 north of Wrangell Park-Preserve, rural residents of 20(D) and residents of 20(E).	Unit 20(E)—that portion drained by the Yukon River downstream from and including the Seventy-mile and Charley Rivers, the North Fork Fortymile River upstream from and including Independence Creek, the Middle Fork Fortymile River upstream from Fish Creek, and the Mosquito Fork Fortymile River upstream from and including Ketchumstuck Creek—1 caribou.	Aug. 10–Sept. 30 and Dec. 1–Feb. 28.
GMU 20—Unit 20(B) and (F)—No determination	Unit 20(E)—Remainder of Unit 20(E) accessible by the Taylor Highway and associated trails, as described in the permit—1 caribou by State registration permit only; however, only bulls may be taken prior to Dec. 1.	Aug. 10–Sept. 30 and Dec. 1–Feb. 28.
	Unit 20(F)—South of the Yukon River and west of the Dalton Highway—1 bull.	Aug. 10–Sept. 20.
	Unit 20(F)—Tozitna River drainage—1 caribou; however, only bull caribou may be taken Aug. 10–Sept. 30.	Aug. 10–Sept. 30, Nov. 26–Dec. 10 and Mar. 1–Mar. 15.
	Unit 20(F)—Remainder—1 bull	Aug. 10–Sept. 30.
Moose: GMU 20—Unit 20(A)—Residents of Cantwell, Minto, and Nenana.	Unit 20(A)—the Ferry Trail Management Area and the Yanert Controlled Use Area—1 bull with a spike-fork or 50-inch antlers.	Sept. 1–Sept. 20.
GMU 20—Unit 20(A) and (C)—No subsistence for residents of McKinley Village, the area along the Parks Highway between milepost 216 and 239 and households of the Denali National Park Headquarters.	Unit 20(A)—Remainder 1 bull	Sept. 1–Sept. 20.

Eligibility determination	Bag limits	Open season
GMU 20—Unit 20(B) Minto Flats Management Area—Residents of Minto and Nenana.	Unit 20(B)—that portion within the Minto Flats Management Area—1 bull by Federal registration permit only (Source of permits—Yukon Flats National Wildlife Refuge, Fairbanks AK).	Sept. 1–Sept. 20 and Jan. 10–Feb. 28.
GMU 20—Remainder of Unit 20(B)—Rural residents of GMU 20(B) Nenana and Tanana.	Unit 20(B)—the drainage of the Middle Fork of the Chena River and that portion of the Salcha River Drainage upstream from and including Goose Creek—1 bull.	Sept. 1–Sept. 20.
	Unit 20(B)—Remainder—(except the Fairbanks Management Area; no subsistence)—1 bull.	Sept. 1–Sept. 20.
GMU 20—Unit 20(C)—Rural residents of Unit 20(C) (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), and residents of Cantwell, Manley, Minto, Nenana, the Parks Highway from milepost 300–309, Nikolai, Tanana, and Telida.	Unit 20(C)—1 bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sept. 1–Sept 20.
GMU 20—Unit 20(E)—No determination	Unit 20(E)—that portion drained by the Ladue, Sixty-mile, and Forty-mile Rivers (all forks) from Mile 9½ to Mile 145 Taylor Highway, including the Boundary Cutoff Road—1 bull.	Sept. 1–Sept. 10.
	Unit 20(E)—Remainder—that portion draining into the Yukon River upstream from and including the Charley River drainage to and including the Boundary Creek drainages and the Taylor Highway from mile 145 to Eagle—1 bull.	Sept. 5–Sept. 25.
GMU 20—Unit 20(F)—Residents of Unit 20(F), Manley, Minto, and Stevens Village.	Unit 20(F)—1 bull	Sept. 1–Sept. 25.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 20—No determination.	No limit	July 1–June 30.
Beaver: GMU 20—No determination	Trapping—Unit 20(A)—25 Beaver per season	Feb. 1–Apr. 15.
	Trapping—Unit 20(B)—that portion of the Chena River downstream from its confluence with the Little Chena River, and Badger (Piledriver) Slough downstream from Plack Road.	No open season.
	Trapping—Unit 20(B)—Remainder of Unit 20(B) and Unit 20(C), (E), and that portion of 20(D) draining into the north bank of the Tanana River, including the islands in the Tanana River—25 Beaver per season.	Nov. 1–Apr. 15.
	Trapping—Unit 20(D)—Remainder—15 Beaver per season	Feb. 1–Apr. 15.
	Trapping—Unit 20(F)—50 Beaver per season	Nov. 1–Apr. 15.
Coyote: GMU 20—No determination	Hunting—Unit 20—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—Unit 20(E)—No limit	Nov. 1–Feb. 28.
	Trapping—Unit 20—Remainder (except 20(D))—No limit	Nov. 1–Mar. 31.
	Unit 20(D)	No open season.
Fox, red (including Cross, Black and Silver Phases): GMU 20—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 1–Feb. 28.
Hares (Snowshoe and Arctic): GMU 20—No determination	No limit	July 1–June 30.
Lynx: GMU 20—No determination	Hunting—Unit 20(E)—2 Lynx	Nov. 1–Jan. 31.
	Trapping—Unit 20(E)—No limit	Nov. 1–Jan. 31.
	Hunting—Unit 20—Remainder (except (D))—2 Lynx	Dec. 1–Jan. 31.
	Trapping—Unit 20—Remainder (except (D))—No limit	Dec. 1–Jan. 31.
	Unit 20(D)	No open season.
Marten: GMU 20—No determination	Trapping—No limit	Nov. 1–Feb. 28.
Mink and weasel: GMU 20—No determination	Trapping—No limit	Nov. 1–Feb. 28.
Muskrat: GMU 20—No determination	Trapping—Unit 20(E)—No limit	Sept. 20–June 10.
	Trapping—Unit 20—Remainder (except (D))—No limit	Nov. 1–June 10.
	Unit 20(D)	No open season.
Otter (land only): GMU 20—No determination	Trapping—No limit	Nov. 1–Apr. 15.
Squirrel (Red, Ground and Flying): GMU 20—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 20—Residents of Units 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—Unit 20—10 Wolves per season	Aug. 10–Apr. 30.
	Trapping—Unit 20(E)—No limit	Oct. 1–Apr. 30.
	Trapping—Unit 20—Remainder (except (D))—No limit	Nov. 1–Mar. 31.
	Unit 20(D)	No open season.
Wolverine: GMU 20—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 1–Feb. 28.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 20(D)—Residents of Units 11, 13, 15, 16, 20(D), 22, and 23.	Unit 20(D)—that portion south of the Tanana River and west of the Johnson River—15 per day, 30 in possession, provided that not more than 5 per day and 10 per day are sharp-tailed grouse.	Aug. 25–Mar. 31.
GMU 20—Remainder—No determination	Unit 20—Remainder—15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow and White-tailed): GMU 20(D)—Residents of Units 11, 13, 15, 16, 20(D), 22, and 23.	Unit 20(D)—those portions within five miles of Alaska Route 5 (Taylor Highway, both to Eagle and the Alaska-Canada boundary) and that portion of Alaska Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.	Aug. 10–Mar. 31.
GMU 20—Remainder—No determination	Unit 20—Remainder—20 per day, 40 in possession	Aug. 10–Apr 30.

(21) GMU 21. (i) Game Management Unit 21 consists of drainages into the Yukon River upstream from Paimiut to but not including the Tozitna River drainage on the north bank and to, but not including the Tanana River drainage on the south bank; and excluding the Koyukuk River upstream to and including the Dulbi River drainage;

(A) Unit 21(A) consists of the Innoko River drainage upstream from and including the Iditarod River drainage, and the Nowitna River drainage upstream from the Little Mud River;

(B) Unit 21(B) consists of the Yukon River drainage upstream from Ruby and east of the Ruby-Poorman Road, downstream from and excluding the

Tozinta River and Tanana River drainages, and excluding the Nowitna River drainage upstream from the Little Mud River, and excluding the Melozitna River drainage upstream from Grayling Creek;

(C) Unit 21(C) consists of the Melozitna River drainage upstream from Grayling Creek, and the Dulbi River drainage upstream from and including the Cottonwood Creek drainage;

(D) Unit 21(D) consists of the Yukon River drainage from and including the Blackburn Creek drainage upstream to Ruby, including the area west of the Ruby-Poorman Road, excluding the Koyukuk River drainage upstream from the Dulbi River drainage, and excluding the Dulbi River drainage upstream from Cottonwood Creek;

(E) Unit 21(E) consists of the Yukon River drainage from Paimiut upstream to but not including the Blackburn Creek drainage, and the Innoko River drainage downstream from the Iditarod River drainage;

(ii) Public Lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) The Koyukuk Controlled Use Area consisting of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65° 57' N. lat., 156° 41' W. long), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or from a publicly owned airport within the area to points outside the area; all hunters on the Koyukuk River passing the Department of Fish and Game operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to department personnel at the check station;

(B) Paradise Controlled Use Area consisting of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila River, then northeast to the mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, then down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose by aircraft between publicly owned airports in the Controlled Use Area or from a publicly owned airport within the area to points outside the area;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.
—"No open season" means no Federal subsistence season.
—"No determinatin" indicates open to Alaska rural residents.

(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 21—No determination	Unit 21—3 bears	July 1–June 30.
Brown Bear: GMU 21—Rural residents of Unit 21 and 23	Unit 21—1 bear every four regulatory years	Sept. 1–May 31.
Caribou: GMU 21—Unit 21(A) and (E)—Residents of Unit 21(A) and Aniak, Chuathbaluk, Crooked Creek, Grayling, Holy Cross, McGrath, Shageluk, and Takotna.	Unit 21(A), (B), (C), (E)—1 caribou	Aug. 10–Sept. 30.
GMU 21—Unit 21 (Western Arctic Caribou Herd only)—Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, 22(A), (B), 23, and 26(A).	Unit 21(D) North of the Yukon River and east of the Koyukuk River—1 caribou; however, 2 additional caribou may be taken during a winter season to be announced.	Aug. 10–Sept. 30, Winter season to be announced
GMU 21—Units 21 (C) and (D)—(Galena Mountains Herd)—No Determination.	Unit 21(D)—Remainder (Western Arctic Caribou herd)—5 caribou per day, however, cow caribou may not be taken May 16–June 30.	July 1–June 30.
Moose: GMU 21—Unit 21(A)—Residents of Unit 21(A), (E), Takotna, McGrath, Aniak, and Crooked Creek.	Unit 21(A)—1 bull	Sept. 5–Sept. 30 and Nov. 1–Nov. 30.
GMU 21—Unit 21(B) and (C)—Residents of Unit 21(B), (C), Tanana and Galena.	Unit 21(B) and (C)—1 bull	Sept. 5–Sept. 25.
GMU 21—Unit 21(D)—Residents of 21(D), Huslia and Ruby	Unit 21(D)—1 moose; antlerless moose may be taken only from Sept. 21–Sept. 25 and Feb. 1–Feb. 5; moose may not be taken within one-half mile of the Yukon River during the February season.	Sept. 5–Sept. 25 and Feb 1–Feb. 5.
GMU 21—Unit 21(E)—Residents of Unit 21(E) and Russian Mission.	Unit 21(E)—1 moose; however, only bulls may be taken from Sept. 5–Sept. 25.	Sept. 5–Sept. 25 and Feb. 1–Feb. 10.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 21—No determination.	No limit	July 1–June 30.
Beaver: GMU 21—No determination	Trapping—50 Beaver per season	Nov. 1–Apr. 15.
Coyote: GMU 21—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): GMU 21—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No Limit	Nov. 1–Feb. 28.
Hares (Snowshoe and Arctic) GMU 21—No determination	No limit	July 1–June 30.
Lynx: GMU 21—No determination	Hunting—2 Lynx	Nov. 1–Feb. 28.
	Trapping—No limit	Nov. 1–Feb. 28.
Marten: GMU 21—No determination	Trapping—No limit	Nov. 1–Feb. 28.
Mink and Weasel: GMU 21—No determination	Trapping—No limit	Nov. 1–Feb. 28.
Muskrat: GMU 21—No determination	Trapping—No limit	Nov. 1–June 10.
Otter (land only): GMU 21—No determination	Trapping—No limit	Nov. 1–Apr. 15.
Squirrel (Red, Ground and Flying): GMU 21—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.

Eligibility determination	Bag limits	Open season
Wolf: GMU 21—Residents of Units 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—10 Wolves	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 1–Mar. 31.
Wolverine: GMU 21—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 21—No determination.	15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow and White): GMU 21—No determination	20 per day, 40 in possession	Aug. 10–Apr. 30.

(22) GMU 22. (i) Game Management Unit 22 consists of Bering Sea, Norton Sound, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from, but excluding, the Postolik River drainage in southern Norton Sound to, but not including the Goodhope River drainage in Southern Kotzebue Sound, and all adjacent islands in the Bering Sea between the mouths of the Goodhope and Pastolik Rivers;

(A) Unit 22(A) consists of Norton Sound drainages from, but excluding, the Pastolik River drainage to, and including, the Ungalik River drainage, and Stuart and Besboro Islands;

(B) Unit 22(B) consists of Norton Sound drainages from, but excluding, the Ugalik River drainage to, and including, the Topkok Creek drainage;

(C) Unit 22(C) consists of Norton Sound and Bering Sea drainages from, but excluding, the Topkok Creek drainage to, and including, the Tisuk River drainage, and King and Sledge Islands;

(D) Unit 22(D) consists of that portion of Unit 22 draining into the Bering Sea north of but not including the Tisuk River to and including Cape York, and St. Lawrence Island;

(E) Unit 22(E) consists of Bering Sea, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from Cape York to, but excluding, the Goodhope River drainage, and including Little Diomede Island and Fairway Rock;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—"No open season" means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257–2572).

(ii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 22—No determination	Unit 22—3 bears	July 1–June 30.
Brown Bear: GMU 22—Residents of Unit 22	Unit 22(A)—1 bear every four regulatory years	Sept. 1–Oct. 31 and Apr. 15–May 25.
	Unit 22(C)—1 bear every four regulatory years	Sept. 1–Oct. 31 and May 10–May 25.
	Unit 22—Remainder—1 bear every four regulatory years	Sept. 1–Oct. 31 and Apr. 15–May 25.
Caribou: GMU 22—Unit 22 (Western Arctic Caribou Herd)—Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (A), (B), 23, and 26(A).	Unit 22(A) and (B)—5 caribou per day; however, cow caribou may not be taken May 16–June 30.	July 1–June 30.
	Unit 22 (C), (D) and (E)	No open season.
Moose: GMU 22—Residents of Unit 22	Unit 22(A)—1 bull	Aug. 1–Sept. 30 and Dec. 1–Dec. 31.
	Unit 22(B)—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31—no person may take a cow accompanied by a calf.	Aug. 1–Jan. 31.
	Unit 22(C)—1 bull	Sept. 1–Sept. 14.
	Unit 22(D)—1 moose; however, antlerless moose may be taken only from Aug. 1–Dec. 31—no person may take a cow accompanied by a calf.	Aug. 1–Jan. 31.
	Unit 22(E)—1 moose; No person may take a cow accompanied by a calf.	Aug. 1–Mar. 31.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 22—No determination	No limit	July 1–June 30.
Beaver: GMU 22—No determination	Trapping—Unit 22 (A) and (B)—50 Beaver per season	Nov. 1–June 10.
	Trapping—Unit 22 (C), (D) and (E)—50 Beaver per season	Nov. 1–Apr. 15.
Coyote: GMU 22—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phases): GMU 22—No determination	Hunting—2 Foxes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): GMU 22—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 1–Apr. 15.
Hares (Snowshoe and Arctic): GMU 22—No determination	No limit	July 1–June 30.
Lynx: GMU 22—No determination	Hunting—2 Lynx	Nov. 1–Apr. 15.
	Trapping—No limit	Nov. 1–Apr. 15.
Marten: GMU 22—No determination	Trapping—No limit	Nov. 1–Apr. 15.
Mink and Weasel: GMU 22—No determination	Trapping—No limit	Nov. 1–Jan. 31.
Muskrat: GMU 22—No determination	Trapping—No limit	Nov. 1–June 10.
Otter (land only): GMU 22—No determination	Trapping—No limit	Nov. 1–Apr. 15.
Squirrel (Red, Ground and Flying): GMU 22—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 22—Residents Units 6, 9, 10 (Unimak Island only), 11–13, 16–26.	Hunting—No limit	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 1–Apr. 15.

Eligibility determination	Bag limits	Open season
Wolverine: GMU 22—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 1–Apr. 15.
Cormorant: GMU 22—No determination	No limit	July 1–June 30.
Grouse (Spruce, Blue Ruffed and Sharp-tailed): GMU 22—Residents of Units 11, 13, 15, 16, 20(D), 22, and 23.	15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow and White-tailed): GMU 22—Residents of Units 11, 13, 15, 16, 20(D), 22, and 23.	20 per day, 40 in possession	Aug. 10–Apr. 30.
Snowy Owl: GMU 22—No determination	No limit	July 1–June 30.

(23) GMU 23. (i) Game Management Unit 23 consists of Kotzebue Sound, Chukchi Sea, and Arctic Ocean drainages from and including the Goodhope River drainage to Cape Lisburne;

(ii) Public lands within the following area are closed to subsistence take or subsistence take is restricted as specified: The Noatak Controlled Use Area, consisting of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Kugururok River, and extending easterly along the Noatak River to the mouth of Sapun Creek, is closed for the period August 20–September 20 to the use of aircraft in any manner for big game hunting, including transportation of big game hunters or game.

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—"No open season" means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257–2572).

(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 23—No determination	Unit 23—3 bears	July 1–June 30.
Brown Bear: GMU 23—Rural residents of Units 21 and 23	Unit 23—1 bear every four regulatory years	Sept. 1–Oct. 10 and Apr. 15–May 25.
Caribou: GMU 23—Unit 23 (Western Arctic Caribou Herd)—Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (A), (B), 23, and 26(A).	Unit 23—5 caribou per day; however, cow caribou may not be taken May 16–June 30.	July 1–June 30.
Sheep: GMU 23—Residents of Unit 23 north of the Arctic Circle	Unit 23—1 ram with ⅞ curl horn or larger. In that portion of Unit 23 south and east of the Noatak River (excluding Gates of the Arctic National Park), a State registration permit is required. A harvest quota will be announced before the permit hunt.	Aug. 10–Sept. 20.
	Unit 23—1 sheep. In that portion of Unit 23 south and east of the Noatak River (excluding Gates of the Arctic National Park), the hunt will be closed when 30 sheep have been taken. From Oct. 1–Apr. 30, Federal public lands will be closed to sheep hunting, except by residents of Unit 23 living north of the Arctic Circle.	Oct. 1–Apr. 30.
Moose: GMU 23—Residents of Unit 23	Unit 23—that portion north and west of and including the Kivalina River drainage—1 moose; however, antlerless moose may be taken only from Sept. 1–Mar. 31; no person may take a cow accompanied by a calf.	July 1–Mar. 31.
	Unit 23—Remainder—1 moose; however, antlerless moose may be taken only from Sept. 1–Mar. 31; no person may take a cow accompanied by a calf.	Aug. 1–Mar. 31.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 23—No determination	No limit	July 1–June 30.
Beaver: GMU 23—No determination	Trapping—Unit 23—the Kobuk and Selawik River drainages—50 Beaver per season.	Nov. 1–June 10.
	Trapping—Unit 23—Remainder—30 Beaver per season	Nov. 1–June 10.
Coyote: GMU 23—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phases): GMU 23—No determination	Hunting—2 Foxes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): GMU 23—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 1–Apr. 15.
Hares (Snowshoe and Arctic): GMU 23—No determination	Hunting—No limit	July 1–June 30.
Lynx: GMU 23—No determination	Hunting—2 Lynx	Dec. 1–Jan. 15.
	Trapping—3 Lynx	Dec. 1–Jan. 15.
Marten: GMU 23—No determination	Trapping—No limit	Nov. 1–Apr. 15.
Mink and Weasel: GMU 23—No determination	Trapping—No limit	Nov. 1–Jan. 31.
Muskrat: GMU 23—No determination	Trapping—No limit	Nov. 1–June 10.
Otter (land only): GMU 23—No determination	Trapping—No limit	Nov. 1–Apr. 15.
Squirrel (Red, Ground and Flying): GMU 23—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 23—Residents of Units 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—10 Wolves	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 1–Apr. 15.
Wolverine: GMU 23—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 1–Apr. 15.
Cormorant: GMU 23—No determination	No limit	July 1–June 30.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 23—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	15 per day, 30 in possession	Aug. 10–Apr. 30.

Eligibility determination	Bag limits	Open season
Ptarmigan (Rock, Willow and White-tailed): GMU 23—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	20 per day, 40 in possession	Aug. 10–Apr. 30.
Snowy Owl: GMU 23—No determination	No limit	July 1–June 30.

(24) GMU 24. (i) Game Management Unit 24 consists of the Koyukuk River drainage upstream from but not including the Dulbi River drainage;

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified. (A) The Dalton Highway Corridor Management Area, consisting of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to the Prudhoe Bay Closed Area, is closed to hunting; however, big game and small game may be taken in the area by bow and arrow only; no motorized vehicle, except aircraft, boats, and licensed highway vehicles, may be used to transport game or hunters within the Dalton Highway Corridor Management Area;

(B) The Kanuti Controlled Use Area, consisting of that portion of Unit 24 bounded by a line from the Bettles Field VOR to the east side of Fish Creek Lake, to Old Dummy Lake, to the south end of Lake Todatonten (including all waters of these lakes), to the northernmost headwaters of Siruk Creek, to the highest peak of Double Point Mountain, then back to the Bettles Field VOR, is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or from a publicly owned airport within the area to points outside the area;

(C) The Koyukuk Controlled Use Area consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65°57′ N. Lat., 156°41′ W. long.), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning. The area is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or form a publicly owned airport within the area to points outside the area; all hunters on the Koyukuk River passing the Department of Fish and Game operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to department personnel at the check station.

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(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 24—No determination	Unit 24–3 Bears	July 1–June 30.
Brown Bear: GMU 24—Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Corridor.	Unit 24—that portion of the Koyukuk River drainage upstream from, and including the Alatna River drainage.; (Residents of Anaktuvuk Pass 1 bear every regulatory year) All other subsistence hunters—1 bear every four regulatory years.	Sept. 1–May 31.
	Unit 24—Remainder—1 bear every four regulatory years	Sept. 1–May 31.
Caribou: GMU 24—No determination	Unit 24—the Kanuti River drainage upstream from Kanuti, Chalatna Creek, the Fish Creek drainage (including Bonanza Creek)—1 bull.	Aug. 10–Sept. 30.
	Unit 24—Remainder—5 caribou per day; however, cow caribou may not be taken May 16—June 30.	July 1–June 30.
Sheep: GMU 24—Residents of Unit 24 residing north of the Arctic Circle and residents of Allakaket, Alatna, and Anaktuvuk Pass.	Unit 24—that portion within the Gates of the Arctic National Park—3 sheep.	Aug. 1–Apr. 30.
	Unit 24—Remainder—1 ram with ⅞ curl horn or larger	Aug. 10–Sept. 20.
Moose: GMU 24—Residents of Unit 24, Anaktuvuk Pass, Koyukuk and Galena.	Unit 24—that portion within the Koyukuk Controlled Use Area—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25, Dec. 1–Dec. 10, and Mar. 1–Mar. 10.	Sept. 5–Sept. 25, Dec. 1–Dec. 10 and Mar. 1–Mar. 10.
	Unit 24—that portion that includes the John River drainage upstream from but excluding the Hunt Fork drainage—1 moose.	Aug. 1–Dec. 31.
	Unit 24—the Alatna River drainage upstream from and including Helpmejack Creek drainage, the John River drainage upstream from and including the Malemute Fork drainage and downstream from and including the Hunt Fork drainage, the Wild River drainage upstream from and including the Michigan Creek drainage, and the North Fork Koyukuk River drainage north of the Bettles/Coldfoot winter trail—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Mar. 1–Mar. 10.	Aug. 25–Sept. 25 and Mar. 1–Mar. 10.
	Unit 24—Remainder—1 bull	Aug. 25–Sept. 25.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 24—No determination	No limit	July 1–June 30.
Beaver: GMU 24—No determination	Trapping—50 Beaver per season	Nov. 1–Apr. 15.
Coyote: GMU 24—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 1–Mar. 31.

Eligibility determination	Bag limits	Open season
Fox, Red (including Cross, Black and Silver Phases): GMU 24—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 1–Feb. 28.
Hares (Snowshoe and Arctic): GMU 24—No determination	Hunting—No Limit	July 1–June 30.
Lynx: GMU 24—No determination	Hunting—2 Lynx	Nov. 1–Feb. 28.
	Trapping—No limit	Nov. 1–Feb. 28.
Marten: GMU 24—No determination	Trapping—No limit	Nov. 1–Feb. 28.
Mink and Weasel: GMU 24—No determination	Trapping—No limit	Nov. 1–Feb. 28.
Muskrat: GMU 24—No determination	Trapping—No limit	Nov. 1–June 10.
Otter (land only): GMU 24—No determination	Trapping—No limit	Nov. 1–Apr. 15.
Squirrel (Red, Ground, Flying): GMU 24—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 24—Residents of Units 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—10 Wolves	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 1–Mar. 31.
Wolverine: GMU 24—No determination	Hunting—1 wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 24—No determination.	15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow and White-tailed): GMU 24—No determination.	20 per day, 40 in possession	Aug. 10–Apr. 30.

(25) GMU 25. (i) Game Management Unit 25 consists of the Yukon River drainage upstream from but not including the Hamlin Creek drainage, and excluding drainages into the south bank of the Yukon River upstream from the Charley River;

(A) Unit 25(A) consists of the Hodzana River drainage upstream from the Narrows, the Chandalar River drainage upstream from and including the East Fork drainage, the Christian River drainage upstream from Christian, the Sheenjek River drainage upstream from and including the Thluichohnjek Creek, the Coleen River drainage, and the Old Crow River drainage;

(B) Unit 25(B) consists of the Little Black River drainage upstream from but not including the Big Creek drainage, the Black River drainage upstream from and including the Salmon Fork drainage, the Porcupine River drainage upstream from the confluence of the Coleen and Porcupine Rivers, and drainages into the north bank of the Yukon River upstream from Circle, including the islands in the Yukon River;

(C) Unit 25(C) consists of drainages into the south bank of the Yukon River upstream from Circle to the Subunit 20(E) boundary, the Birch Creek drainage upstream from the Steese Highway bridge (milepost 147), the Preacher Creek drainage upstream from and including the Rock Creek drainage, and the Beaver Creek drainage upstream from and including the Moose Creek drainage;

(D) Unit 25(D) consists of the remainder of Unit 25;

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified: (A) The Dalton Highway Corridor Management Area, consisting of those portions of Units 20, 24, 25 and 26 extending five miles from each side of the Dalton Highway from the Yukon River to the Prudhoe Bay Closed Area, is closed to hunting; however, big game and small game may be taken in the area by bow and arrow only; no motorized vehicle, except aircraft, boats, and licensed highway vehicles, may be used to transport game or hunters within the Dalton Highway Corridor Management Area;

(B) The Arctic Village Sheep Management Area encompasses approximately 567,680 acres north and west of Arctic Village. The area consists of that portion of State Game Management Unit 25(A) which is bounded on the east by the East Fork Chandalar River beginning at the confluence of Cane Creek and proceeding southwesterly downstream past Arctic Village to the confluence with Crow Nest Creek, continuing up Crow Nest Creek, through Portage Lake, to its confluence with the Junjik River; then down the Junjik River past Timber Lake and a larger tributary, to a major, unnamed tributary located directly south of Little Njoo Mountain. The boundary leaves the river and continues upstream along this unnamed tributary, northwesterly, for approximately 6 miles where the stream forks into two roughly equal drainages. The boundary follows the eastern most fork, proceeding almost due north to the headwaters and intersects the Continental Divide. The boundary then follows the Continental Divide easterly, through Carter Pass, then easterly and northeasterly approximately 20 miles along the most southerly major fork of the headwaters of Cane Creek. From this peak the boundary continues due south 1.5 miles to the high point of a saddle, then down the headwaters tributary to Cane Creek and down the creek to the confluence of Cane Creek and the East Fork Chandalar. Sheep hunting in this area is restricted to residents of Arctic Village, Venetie, Fort Yukon, Kaktovik and Chalkytsik. A map showing the Arctic Village Sheep Management Area may be obtained by contacting the U.S. Fish and Wildlife Service, Office of Subsistence Management, 1011 East Tudor Road, Anchorage, Alaska 99503.

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(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 25—No determination	Unit 25—3 Bears	July 1–June 30.
Caribou: GMU 25—No determination	Unit 25(A), (B), and the remainder of Unit 25(D)—10 caribou; however, no more than 5 caribou may be transported from these units per regulatory year.	July 1–Apr. 30.
	Unit 25(D)—that portion of Unit 25(D) drained by the west fork of the Dall River west of 150° W. long.—1 bull.	Aug. 10–Sept. 30.
Sheep:		
GMU 25—Unit 25(A)—Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik, and Venetie.	Units 25(A)—Arctic Village Sheep Management Area—2 rams by Federal registration permit only. Federal public lands are closed to sheep hunting except by residents of Arctic Village, Venetie, Fort Yukon, Kaktovik and Chalkytsik.	Aug. 10–Apr. 30.
GMU 25—Units 25(B) and (C)—No subsistence	Unit 25(A)—Remainder—3 sheep per year; the Aug. 10–Sept. 20 season is restricted to 1 ram with 7/8 curl horn or larger. A State registration permit is required for the Oct. 1–Apr. 30 season.	Oct. 1–Apr. 30 and Aug. 10–Sept. 20.
Moose:		
GMU 25—Unit 25(A)—Residents of Unit 25(A) and residents of Venetie only.	Unit 25(A)—1 bull	Aug. 25–Sept. 25 and Dec. 1–Dec. 10.
GMU 25—Unit 25(B) and (C)—No determination	Unit 25(B)—that portion within the Porcupine River drainage upstream from but excluding the Coleen River drainage—1 bull.	Aug. 25–Sept. 25 and Dec. 1–Dec. 10.
	Unit 25(B)—that portion within the Yukon River drainage upstream from and including the Kandik River drainage—1 bull.	Sept. 5–Sept. 25 and Dec. 1–Dec. 10.
	Unit 25(B)—Remainder—1 bull	Aug. 25–Sept. 25 and Dec. 1–Dec. 10.
	Unit 25(C)—1 bull	Sept. 1–Sept. 15.
GMU 25—Unit 25(D) (West)—Residents of Beaver, Birch Creek, and Stevens Village.	Unit 25(D) (West)—that portion of Unit 25(D) lying west of a line extending from the Unit 25(D) boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek and Lower Mouth Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzik River, then upstream along the west bank of the Hadweenzik River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25(D) boundary—1 bull by permit only.	Aug. 25–Sept. 25, Dec. 1–Dec. 10 and Feb. 18–Feb. 28.
GMU 25—Unit 25(D)—Remainder—Residents of "Remainder of Unit 25".	Unit 25(D)—Remainder—1 bull	Aug. 25–Sept. 25 and Dec. 1–Dec. 20.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 25—No determination	No limit	July 1–June 30.
Beaver: GMU 25—No determination	Trapping—Unit 25—Remainder—50 Beaver per season	Nov. 1–Apr. 15.
	Trapping—Unit 25(C)—25 Beaver per season	Nov. 1–Apr. 15.
Coyote: GMU 25—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases: GMU 25—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 1–Feb. 28.
Hares (Snowshoe and Arctic): GMU 25—No determination	Hunting—No limit	July 1–June 30.
Lynx: GMU 25—No determination	Hunting—Unit 25(C)—2 Lynx	Dec. 1–Jan. 31.
	Trapping—Unit 25(C)—No limit	Dec. 1–Jan. 31.
	Hunting—Unit 25—Remainder—2 Lynx	Nov. 1–Feb. 28.
	Trapping—Unit 25—Remainder—No limit	Nov. 1–Feb. 28.
Marten: GMU 25—No determination	Trapping—No limit	Nov. 1–Feb. 28.
Mink and Weasel: GMU 25—No determination	Trapping—No limit	Nov. 1–Feb. 28.
Muskrat: GMU 25—No determination	Trapping—No limit	Nov. 1–June 10.
Otter (land only): GMU 25—No determination	Trapping—No limit	Nov. 1–Apr. 15.
Squirrel (Red, Ground and Flying): GMU 25—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 25—Residents Units 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—Unit 25(A)—No limit	Aug. 10–Apr. 30.
	Trapping—No limit	Nov. 1–Mar. 31.
	Hunting—Unit 25—Remainder—10 Wolves	Aug. 10–Apr.30.
	Trapping—No limit	Nov. 1–Mar. 31.
Wolverine: GMU 25—Unit 25(C)—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—Unit 25(C)—No limit	Nov. 1–Feb. 28.
	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—Unit 25—Remainder—No limit	Nov. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 25—No determination.	Unit 25(C)—15 per day, 30 in possession	Aug. 10–Mar. 31.
	Unit 25(C)—Remainder—15 per day, 30 in possession	Aug. 10–Apr. 30
Ptarmigan (Rock, Willow and White-tailed): GMU 25—No determination.	Unit 25(C)—those portions within 5 miles of Alaska Route 6 (Steese Highway) and Route 5 (Taylor Highway, both to Eagle and the Alaska–Canada boundary), and that portion of Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.	Aug. 10–Mar. 31
	Unit 25—Remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.

(26) GMU 26. (i) Game Management Unit 26 consists of Arctic Ocean drainages between Cape Lisburne and the Alaska-Canada border, including the Firth River drainage within Alaska.

(A) Unit 26(A) consists of that portion of Unit 26 lying west of the Itkillik River drainage, and west of the east bank of the Colville River between the mouth of the Itkillik River and the Arctic Ocean;

(B) Unit 26(B) consists of that portion of Unit 26 east of Unit 26(A), west of the west bank of the Canning River and west of the west bank of the Marsh Fork of the Canning River;

(C) Unit 26(C) consists of the remainder of Unit 26.

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified. (A) The GMU 26(A) Controlled Use Area, consisting of Unit 26(A), from August 1 through August 31

is closed to the use of aircraft in any manner for moose hunting, including transportation of moose hunters or parts of moose. No hunter may take or transport a moose, or part of a moose in GMU 26(A) after having been transported by aircraft into the unit. However, this does not apply to transportation of moose hunters or moose parts by regularly scheduled flights to and between villages by carriers that normally provide scheduled service to this area, nor does it apply to transportation by aircraft to or between publicly owned airports.

(B) The Prudhoe Bay Closed Area is closed to the taking of big game; this closed area consists of the area bounded by a line beginning at 70° 22′ N. lat., 148° W. long., then running south approximately 14 miles to a point at 70° 10′ N. lat., 148° W. long., then west approximately 15 miles to a point at 70° 10′ N. lat., 148° 40′ W. long., then north approximately two miles to a point at 70° 12′ N. lat., 148° 40′ W. long., then west approximately eight miles to a point at 70° 12′ N. lat., 148° 56′ W. long., then north approximately two miles to a point at 70° 15′ N. lat., 148° 56′ W. long., then west approximately 12 miles to a point at 70° 15′ N. lat., 149° 28′ W. long., then north approximately 12 miles to a point at 70° 26′ N. lat., 149° 28′ W. long., then east approximately 14 miles to a point at 70° 26′ N. lat., 148° 52′ W. long., then south approximately 2 miles to a point at 70° 24′ N. lat., 148° 52′ W. long., then east approximately 16 miles to a point at 70° 24′ N. lat., 148° 11′ W. long., then south approximately 2 miles to a point at 70° 24′ N. lat., 148° 11′ W. long., then east approximately 6 miles to the point of beginning.

(C) The Dalton Highway Corridor Management Area, consisting of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to the Prudhoe Bay Closed Area, is closed to hunting; however, big game and small game may be taken in the area by bow and arrow only; no motorized vehicle, except aircraft, boats, and licensed highway vehicles, may be used to transport game or hunters within the Dalton Highway Corridor Management Area;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—"No open season" means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257–2572).

(iii)

Eligibility Determination	Bag Limits	Open Season
Black Bear: GMU 26—No determination	Unit 26—3 Bears	July 1–June 30.
Brown Bear: GMU 26—Residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex) and residents of Anaktuvuk Pass and Point Hope.	Unit 26(A)—east of 159° W. long. (residents of Anaktuvuk Pass)—1 bear every regulatory year.	Sept. 1–May 31.
	Unit 26(A)—Other subsistence hunters—1 bear every four regulatory years.	Sept. 1–May 31.
	Unit 26—Remainder—1 bear every four regulatory years	Sept. 1–May 31.
Caribou:		
GMU 26—(Western Arctic Caribou Herd only)—Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22(A), (B), 23, and 26(A).	Unit 26(A)—5 caribou per day; however, cow caribou may not be taken May 16—June 30..	July 1–June 30.
GMU 26—Unit 26(B) (Central Arctic Herd)—Residents of Anaktuvuk Pass, Kaktovik, Nuiqsut, and Wiseman.	Unit 26(B)—5 caribou; however, cow caribou may be taken only from Oct. 1—Apr. 30.	July 1–Apr. 30.
GMU 26—Unit 26(C) (Porcupine Herd)—No Determination	Unit 26(C)—10 caribou; however, not more than 5 caribou may be transported from Unit 26 per regulatory year.	July 1–Apr. 30.
Sheep:		
GMU 26—Unit 26(A) and (B)—Residents of Anaktuvuk Pass, Kaktovik, Nuiqsut, and Wiseman.	Unit 26(A)—those portions within the Gates of the Arctic National Park—3 sheep.	Aug. 1–Apr. 30.
	Unit 26(A) and (B)—including the Gates of the Arctic National Preserve—1 ram with ⅞ curl horn or larger.	Aug. 10–Sept. 30.
GMU 26—Unit 26(C)—Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik, and Venetie.	Unit 26(C)—3 sheep per year; the Aug. 10–Sept. 20 season is restricted to 1 ram with ⅞ curl horn or larger. A State registration permit is required for the Oct. 1–Apr. 30 season.	Oct. 1–Apr. 30, Aug. 10–Sept. 20.
Moose: GMU 26—Residents of Unit 26, (except the Prudhoe Bay-Deadhorse Industrial Complex), and residents of Point Hope and Anaktuvuk Pass.	Unit 26(A)—1 moose; however, no person may take a cow accompanied by a calf.	Aug. 1–Dec. 31.
	Unit 26(B)—that portion within two miles of the Dalton Highway—	No open season.
	Unit 26(B) Remainder and (C)—1 moose	Aug. 1–Dec. 31.
Musk Oxen: GMU 26—Unit 26(B) and (C)—Residents of Kaktovik	Unit 26(B) and (C)—1 bull by Federal registration permit only	Oct. 1–Oct. 31, Mar. 1–Mar. 31.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 26—No determination	No limit	July 1–June 30.
Coyote: GMU 26—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phase): GMU 26—No determination	Hunting—2 Foxes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): GMU 26—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 1–Apr. 15.
Hares (Snowshoe and Arctic): GMU 26—No determination	No limit	July 1–June 30.
Lynx: GMU 26—No determination	Hunting—2 Lynx	Nov. 1–Apr. 15.
	Trapping—No limit	Nov. 1–Apr. 15.
Marten: GMU 26—No determination	Trapping—No limit	Nov. 1–Apr. 15.
Mink and Weasel: GMU 26—No determination	Trapping—No limit	Nov. 1–Jan. 31.
Muskrat: GMU 26—No determination	Trapping—No limit	Nov. 1–June 10.
Otter (land only): GMU 26—No determination	Trapping—No limit	Nov. 1–Apr. 15.
Squirrel (Red, Ground and Flying): GMU 26—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
Wolf: GMU 26—Residents of Units 6, 9, 10 (Unimak Island only), 11-13, and 16–26.	Hunting—No limit	Aug. 10–Apr. 30)
	Trapping—No limit	Nov. 1–Apr. 15.
Wolverine: GMU 26—No determination	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 1–Apr. 15.

Eligibility Determination	Bag Limits	Open Season
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 26—No determination.	15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow and White-tailed): GMU 26—No determination.	20 per day, 40 in possession	Aug. 10–Apr. 30.
Snowy Owl: No determination	No limit	July 1–June 30.

§ ____.24 Subsistence fishing

(a) Regulations in this section apply to subsistence fishing for salmon, herring, pike, bottomfish, smelt, and other types of finfish or their parts except halibut, and aquatic plants only on public lands in Alaska. At this time Federal Subsistence Fishing Regulations only apply to non-navigable waters on Federal lands unless a specific exception is noted for a specific area. All subsistence harvest of fish in navigable waters is under the regulations of the State of Alaska unless specifically excepted.

(b) Aquatic plants and finfish other than salmon may be taken for subsistence purposes at any time on any public lands in the State of Alaska by any method unless restricted by the subsistence fishing regulations in this section. Salmon may be taken for subsistence purposes only as provided in this section.

(c) The following definitions shall apply to all regulations contained in this document.

Abalone Iron –is a flat device used for taking abalone and which is more than one inch (24mm) in width and less than 24 inches (61 cm) in length and with all prying edges rounded and smooth.

Anchor is a device used to hold a salmon fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor or being secured to another vessel or net that is anchored.

Bag Limit means the maximum legal take per person or designated group, per specified time period, even if part or all of the fish are preserved.

Beach seine is a floating net designed to surround fish which is set from and hauled to the beach.

Crab means the following species: *Paralithodes camshatica* (red king crab); *Paralithodes platypus* (blue king crab); *Lithodes couesi; Lithodes aequispina* (brown king crab); all species of the genus Chionoecetes (tanner or snow crab); *Cancer magister* (Dungeness crab).

Dip net is a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

Diving Gear is any type of hard hat or skin diving equipment, including SCUBA equipment.

Drainage means all of the waters comprising a watershed including tributary rivers, streams, sloughs, ponds and lakes which contribute to the supply of the watershed.

Drift gill net is a drifting gill net that has not been intentionally staked, anchored or otherwise fixed.

Fishwheel is a fixed, rotating device for catching fish which is driven by river current or other means of power.

Freshwater of streams and rivers means the line at which freshwater is separated from saltwater at the mouth of streams and rivers by a line drawn between the seaward extremities of the exposed tideland banks at the present stage of the tide.

Fyke net is a fixed, funneling (fyke) device used to entrap fish.

Gear means any type of fishing apparatus.

Gill net is a net primarily designed to catch fish by entanglement in the mesh and consisting of a single sheet of webbing hung between cork line and lead line, and fished from the surface of the water.

Grappling hook is a hooked device with flukes or claws and attached to a line and operated by hand.

Groundfish—Bottomfish means any marine finfish except halibut, osmerids, herring and salmonids.

Hand purse seine is a floating net designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed.

Hand troll gear consists of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing or other types of trolling, and which are retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical or other assisting device or attachment.

Herring pound is an enclosure used primarily to retain herring alive over extended periods of time.

Hung measure means the maximum length of the cork line when measured wet or dry with traction applied at one end only.

Inclusive season dates means whenever the doing of an act between certain dates or from one date to another is allowed or prohibited, the period of time thereby indicated includes both dates specified; the first date specified designates the first day of the period, and the second date specified designates the last day of the period.

Lead is a length of net employed for guiding fish into a seine or set gill net.

Legal limit of fishing gear means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district or section.

Long line is a stationary buoyed or anchored line or a floating, free drifting line with lures or baited hooks attached.

Net gear site means the in-water location of stationary net gear.

Possession limit means the maximum number of fish a person or designated group may have in possession if the fish have not been canned, salted, frozen, smoked, dried or otherwise preserved so as to be fit for human consumption after a 15-day period.

Pot is a portable structure designed and constructed to capture and retain fish and shellfish alive in the water.

Purse seine is a floating net designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line.

Ring net is a bag-shaped net suspended between no more than two frames; the bottom frame may not be larger in perimeter than the top frame; the gear must be non-rigid and collapsible so that when fishing it does not prohibit free movement of fish or shellfish across the top of the net.

Rockfish means all species of the genus *Sebastes*.

Salmon stream means any stream used by salmon for spawning or for travelling to a spawning area.

Salmon stream terminus means a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water.

Set gill net is a gill net that has been intentionally set, staked, anchored, or otherwise fixed.

Shovel is a hand-operated implement for digging clams or cockles.

Stretched measure means the average length of any series of 10 consecutive meshes measured from inside the first knot and including the last knot when wet after use, the 10 meshes, when being measured, shall be an integral part of the net, as hung, and measured perpendicular to the selvages; measurements shall be made by the means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under the five-pound weight, except as otherwise provided.

To operate fishing gear means the deployment of gear in the waters of Alaska, the removal of gear from the waters of Alaska, the removal of fish or shellfish from the gear during an open season or period, or possession of a gill net containing fish during an open fishing period, except that a gill net which is completely clear of the water is not considered to be operating for the purposes of minimum distance requirement.

Trawl is a bag-shaped net towed through the water to capture fish or shellfish.

(d) Methods, Means, and General Restrictions. (1) The bag limit specified herein for a subsistence season for a species and the State bag limit set for a State general season for the same species are not cumulative. This means that a person or designated group who has taken the bag limit for a particular species under a subsistence season specified herein may not after that, take any additional fish of that species under any other bag limit specified for a State general season.

(2) Unless otherwise provided in this chapter, the following are legal types of gear for subsistence fishing:

(i) gear specified in definitions in subsection c.

(ii) jigging gear which consists of a line or lines with lures or baited hooks which are operated during periods of ice cover from holes cut in the ice and are drawn through the water by hand;

(iii) a spear which is a shaft with a sharp point or fork-like implement attached to one end, used to thrust through the water to impale or retrieve fish and is operated by hand;

(iv) a lead which is a length of net employed for guiding fish into a seine or a length of net or fencing employed for guiding fish into a fishwheel, fyke net or dip net.

(3) Gill nets used for subsistence fishing for salmon may not exceed 50 fathoms in length, unless otherwise specified by the regulations in particular areas set forth in this section.

(4) It is prohibited to buy or sell subsistence-taken fish, their parts, or their eggs, unless otherwise specified in this section or unless, prior to the sale, the prospective buyer or seller obtains a determination from the Board that the sale constitutes customary trade.

(5) Fishing for, taking or molesting any fish by any means, or for any purpose, is prohibited within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction.

(6) The use of explosives and chemicals is prohibited.

(7) Subsistence fishing by the use of a line attached to a rod or pole is prohibited except when fishing through the ice in the Kotzebue-Northern, Norton Sound-Port Clarence, Yukon, Kuskokwim and Bristol Bay areas.

(8) Each person subsistence fishing shall plainly and legibly inscribe his/her first initial, last name, and address on his/her fishwheel, or on a keg or buoy attached to gill nets and other unattended subsistence fishing gear.

(9) All pots used to take fish must contain an opening in the webbing of a side wall of the pot which has been laced, sewn or secured together by untreated cotton twine or other natural fiber no larger than 120 thread, which upon deterioration or parting of the twine produces an opening in the web with a perimeter equal to or exceeding one half of the tunnel eye opening perimeter.

(10) Persons licensed by the State of Alaska under Alaska Statutes to engage in a fisheries business may not receive for commercial purposes or barter or solicit to barter for subsistence taken salmon or their parts. Further restrictions on the bartering of subsistence taken salmon or their parts may be implemented by the Federal Subsistence Board if necessary.

(11) Gill net web must contain at least 30 filaments and all filaments must be of equal diameter, or the web must contain at least six filaments, each of which must be at least 0.20 millimeter in diameter.

(12) Except as provided elsewhere in this regulation, the taking of rainbow trout and steelhead is prohibited.

(13) Fish taken for subsistence use or under subsistence fishing regulations may not be subsequently used as bait for commercial and sport fishing purposes.

(14) The use of live non-indigenous fish as bait is prohibited.

(e) Unlawful Possession of Subsistence Finfish—No person may possess, transport, give, receive or barter subsistence-taken fish or their parts that the person knows or should know were taken in violation of Federal or State statute or a regulation promulgated thereunder.

(f) For detailed descriptions of Fishery Management Areas and Pertinent Restrictions-for defined descriptions of Fishery Management Areas, see Alaska Fishing Regulations. (1) Kotzebue-Northern Area—At this time, the Federal Government is exerting its control only on subsistence fishing in non-navigable fresh waters on Federal lands in the Kotzebue-Northern Area. (i) Allowed gear and specifications:

(A) Salmon may be taken only by gill nets or beach seines.

(B) Fish other than salmon may be taken by set gill net, drift gill net, beach seine, fishwheel, pot, long line, fyke net, dip net, jigging gear, spear, and lead.

(C) A gill net may obstruct not more than one-half the width of any fish stream. A stationary fishing device may obstruct not more than one-half the width of any salmon stream.

(D) Each fishwheel must have the first initial, last name, and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river.

(E) For all gill nets and unattended gear that are fished under the ice, the first initial, last name, and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

(F) Fish may be taken for subsistence purposes without a subsistence fishing permit.

(G) Fish may be taken at any time except that during the weekly fishing closures of the commercial salmon fishing season in the Kotzebue District commercial fishermen may not fish for subsistence purposes.

(ii) Northern District. Only those residents domiciled in the Northern District, except for those domiciled in State of Alaska Game Management Unit 26–B, may take fish in that district.

(iii) Kotzebue District. (A) In the Kotzebue District, kegs or buoys attached to subsistence gill nets may be any color except red.

(B) In the Kotzebue District, gill nets used to take sheefish may not be more than 50 fathoms in aggregate length nor 12 meshes in depth, nor have a mesh size larger than seven inches.

(C) Only those residents domiciled in the Kotzebue District may take

subsistence salmon, sheefish, and char in the district.

(2) Norton Sound-Port Clarence Area. At this time, the Federal Government is exerting its control only on subsistence fishing in non-navigable fresh waters on the Federal lands in the Norton Sound-Port Clarence Area. (i) General Area Regulations. (A) Salmon may only be taken by gill net, beach seine, or fishwheel.

(B) Fish other than salmon may be taken by set gill net, drift net, beach seine, fishwheel, pot, long line, fyke net, jigging gear, spear, and lead.

(C) A gill net may not obstruct more than one-half the width of any fish stream. A stationary fishing device may obstruct not more than one-half the width of any salmon stream.

(D) Each fishwheel must have the first initial, last name, and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river.

(E) For all gill nets and unattended gear that are fished under the ice, the first initial, last name, and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

(F) Except as provided in this subsection, fish may be taken for subsistence purposes without a subsistence fishing permit. A subsistence fishing permit is required as follows:

(1) In the Port Clarence District: Pilgrim River drainage including Salmon Lake;

(2) In the Norton Sound District: for net fishing in all waters from Cape Douglas to Rocky Point.

(G) Only one subsistence fishing permit will be issued to each household per year.

(H) Only those residents domiciled in the Norton Sound-Port Clarence Area may take salmon in that area.

(I) Only those residents domiciled within 20 miles of the coast between Point Romanof and Cape Prince of Wales and on the St. Lawrence Island, may take herring and herring roe in those locations.

(ii) The Norton Sound District. (A) In the Norton Sound District, fish may be taken at any time except as follows:

(B) In Subdistrict 1 from June 15 through August 31, salmon may be taken only from 6 p.m. Monday until 6 p.m. Wednesday and from 6 p.m. Thursday until 6 p.m. Saturday.

(C) In Subdistricts 2 through 6, commercial fishermen may not fish for subsistence purposes during the weekly closures of the commercial salmon fishing season, (except that from July 15 through August 1, commercial fishermen may take salmon for subsistence purposes seven days per week in the Unalakleet and Shaktoolik River drainages with gill nets which have a mesh size that does not exceed 4½ inches, and with beach seines.)

(D) In the Unalakleet River from June 1 through July 15, salmon may be taken from 8 a.m. Monday until 8 p.m. Saturday.

(E) In the Norton Sound District, kegs or buoys attached to subsistence gill nets may be any color except red.

(F) In the Unalakleet River from June 1 through July 15, no person may operate more than 25 fathoms of gill net in the aggregate.

(G) Gill nets with a mesh size of less than four and one-half inches and beach seines may not be used in the Sinuk River upstream of Alaska Department of Fish and Game regulatory markers placed two miles above the mouth, in the Nome River, and in the Solomon River upstream from Alaska Department of Fish and Game regulatory markers places near the village of Solomon.

(H) In the Nome River, no person may operate more than 50 feet of gill net in the aggregate.

(I) The Nome River, from its terminus upstream for a distance of 200 yards and upstream from an Alaska Department of Fish and Game regulatory marker located near Osborn, is closed to the taking of fish.

(iii) The Port Clarence District (A) In the Port Clarence District, fish may be taken at any time except that during the period July 1 through August 15, salmon may only be taken from 6 p.m. Thursday until 6 p.m. Tuesday.

(B) In the Port Clarence District, Salmon Lake, its tributaries, and within 300 feet of the Alaska Department of Fish and Game regulatory markers placed at the outlet of Salmon Lake, are closed to subsistence fishing from July 15 through August 31.

(3) Yukon Area. Federal subsistence regulations for the subsistence harvest of fish are in effect for all waters (navigable and non-navigable) in the area north of 61° north latitude, south of 61°21'north latitude, west of 163°40' longitude and east of the Bering Sea shoreline including Hozen Bay. In the remainder of the Yukon Area Federal subsistence fishing regulations only apply to non-navigable waters on Federal lands.

(i) Unless otherwise restricted, salmon may be taken in the Yukon Area at any time.

(ii) Salmon may only be taken by gill net, beach seine, or fishwheel subject to the restrictions set forth in this section.

(iii) Unless otherwise specified in this section, fish other than salmon may be taken only by set gill net, drift gill net, beach seine, fishwheel, long line, fyke net, dip net, jigging gear, spear, or lead, subject to the following restrictions, which also apply to subsistence salmon fishing:

(A) During the open weekly fishing periods of the commercial salmon fishing season, a commercial fisherman may not operate more than one type of gear at a time, for commercial and subsistence purposes, except that in Subdistrict 4–A, upstream from the mouth of Stink Creek, a commercial fisherman may, at any time, assist subsistence fishermen in the operation of subsistence fishing gear;

(B) The aggregate length of set gill net in use by an individual may not exceed 150 fathoms and each drift gill net inuse by an individual may not exceed 50 fathoms in length;

(C) In Subdistricts 4, 5 and 6, it is unlawful to set subsistence fishing gear within 200 feet of other operating commercial or subsistence fishing gear;

(D) A gill net may obstruct not more than one-half the width of any fish stream; a stationary fishing device may obstruct not more than one-half width of any salmon stream.

(iv) Salmon may be taken only by set gill net or fishwheel. No person may operate a gill net having a mesh size larger than six inches after a date specified by emergency order issued between July 5 through July 25.

(v) Each fishwheel must have the first initial, last name, and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river.

(vi) For all gill nets and unattended gear that are fished under the ice, the first initial, last name, and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

(vii) In Districts 1, 2, and 3, commercial fishermen may not take salmon for subsistence purposes by gill nets larger than six-inch mesh during periods established by emergency order.

(viii) In Districts 4, 5 and 6, salmon may not be taken for subsistence purposes by drift gill nets, except as follows:

(A) In Subdistrict 4–A, upstream from the mouth of Stink Creek king salmon may be taken by drift gill nets from June 21 through July 14, and chum salmon may be taken by drift gill nets after August 2;

(B) No person may operate a drift gill net that is more than 150 feet in length during the seasons described in this section.

(ix) Except as provided in this section, fish may be taken for subsistence purposes without a subsistence fishing permit.

(x) A subsistence fishing permit is required as follows:

(A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;

(B) For the Yukon River drainage from Alaska Department of Fish and Game regulatory markers placed near the upstream mouth of 22 Mile Slough upstream to the U.S.—Canada border;

(C) For the Tanana River drainage above the mouth of the Wood River;

(D) For whitefish and suckers in the waters listed;

(E) For the taking of pike in waters of the Tolovana River drainage upstream of its confluence with the Tanana River;

(F) For the taking of salmon in Subdistricts 6–A and 6–B.

(xi) Except as otherwise provided, and except as may be provided by the terms of a subsistence fishing permit, there is no closed season on fish other than salmon.

(xii) In addition to the subsistence fishing permit conditions, permits issued for fish other than salmon may also designate restrictive measures for the conservation of salmon.

(xiii) Only one subsistence fishing permit will be issued to each household per year.

(xiv) Only those residents domiciled within 20 miles of the coast between the terminus of the Black River and the westernmost point of the Naskonat Peninsula may take herring and herring roe in that location.

(xv) Only those residents domiciled in rural locations in the Yukon Area, as determined by the Federal Subsistence Board, including the community of Stebbins, may take salmon in the Yukon Area.

(xvi) Only those residents domiciled in rural locations in the Yukon River drainage, as determined by the Federal Subsistence Board including the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak may take Yukon River Fall chum salmon for subsistence purposes.

(xvii) Only those residents domiciled in rural locations in the Yukon Area, as determined by the Federal Subsistence Board, may take freshwater fish species, including sheefish, whitefish, lamprey, burbot, sucker, grayling, pike, char, and blackfish, in the Yukon Area.

(xviii) The following locations in the upper Yukon River drainage are closed to subsistence fishing, except that whitefish and suckers may be taken under the authority of a subsistence fishing permit designating measures for the protection of other fish: the following streams and within 500 feet of their mouths: Birth Creek; Dall River, June 10 through September 10;

(xix) The following drainages located north of the main Yukon River are closed to subsistence fishing:

(A) Kanuti River, upstream from a point five miles downstream of the State highway crossing;

(B) Fish Creek, upstream from the mouth of Bonanza Creek;

(C) Bonanza Creek;

(D) Jim River, including Prospect Creek and Douglas Creek;

(E) South Fork of the Koyukuk River system upstream from the mouth of Jim River;

(F) Middle Fork of the Koyukuk River system upstream from the mouth of the North Fork;

(G) North Fork of the Chandalar River system upstream from the mouth of Quartz Creek.

(xx) The main Tanana River and its adjoining sloughs are closed to subsistence fishing between the mouth of the Salcha River and the mouth of the Gerstle River, except that salmon may be taken in the area upstream of the Richardson Highway bridge to the mouth of Clearwater Creek after November 20.

(xxi) Waters of the Tanana River drainage are closed to the subsistence taking of pike between the mouth of the Kantishna River and Delta River at Black Rapids on the Richardson Highway and Cathedral Rapids on the Alaska Highway, except that pike may be taken for subsistence purposes in the Tolovana River drainage upstream from its confluence with the Tanana River.

(xxii) The Delta River is closed to subsistence fishing, except that salmon may be taken after November 20.

(xxiii) The following locations are closed to subsistence fishing:

(A) The following rivers and creeks and within 500 feet of their mouths: Delta Clearwater River (Clearwater Creek at 64° 06′ N.lat., 145° 34′ W. long), Richardson Clearwater Creek (Clear Creek at 64° 14′ N. lat., 146° 16′ W. long), Goodpaster River, Chena River, Little Chena River, Little Salcha River, Blue Creek, Big Salt River, Shaw Creek, Bear Creek, McDonald Creek, Moose Creek, Hess Creek, and Beaver Creek;

(B) Ray River and Salcha River upstream of a line between Alaska Department of Fish and Game regulatory markers located at the mouth of the rivers;

(C) Deadman, Jan, Boleo, Birch, Lost, Harding, Craig, Fielding, Two-Mile, Quartz, and Little Harding lakes;

(D) Piledriver and Badger (Chena) sloughs.

(xxiv) The following waters are closed to the taking of chum salmon from August 15 through December 31:

(A) Toklat River.

(B) Kantishna River from the mouth of the Toklat River to its confluence with the Tanana River.

(xxv) Salmon may be taken only by set gill nets in those locations described in below after July 19:

(A) Waters of the Black River including waters within one nautical mile of its terminus;

(B) Waters of Kwikluak Pass downstream of Agmulegut and the waters of Kwemeluk Pass;

(C) Waters of Alakanuk Pass downstream from the mouth of Kuiukpak Slough;

(D) Waters of Kwiguk Pass downstream to the mouth of Kawokhawik Slough;

(E) Waters of Kawanak Pass downstream from Sea Gull Point;

(F) Waters of Apoon Pass downstream from the mouth of the Kotlik River and waters of Okwega Pass downstream from its confluence with Apoon Pass;

(G) Waters within one nautical mile seaward from any grassland bank in District 1.

(xxvi) In the following locations, salmon may be taken only during the open weekly fishing periods of the commercial salmon fishing season and may not be taken for 24 hours before the opening and 24 hours after the closure of the commercial salmon fishing season except:

(A) Through July 19 in Districts 1 and 2 subsistence fishing periods will be established by emergency order every other weekend during commercial salmon fishing closures;

(B) After July 19 in District 1, except for the set net only locations, and in District 2, a 24 hour subsistence fishing period will be established by emergency order each weekend during commercial salmon fishing closures;

(C) In Subdistrict 4–A from June 15 through August 1, salmon may be taken from 6 p.m. Sunday until 6 p.m. Tuesday and from 6 p.m. Wednesday until 6 p.m. Friday;

(D) In Subdistricts 4–B and 4–C from June 15 through September 30, salmon may be taken from 6 p.m. Sunday until 6 p.m. Tuesday and from 6 p.m. Wednesday until 6 p.m. Friday;

(E) District 5, excluding the Tozitna River drainage and Subdistrict 5–D;

(F) District 6, excluding (*1*) The Kantishna River drainage and that portion of the Tanana River drainage upstream of the mouth of the Salcha River;

(2) Subdistrict 6–B, from the downstream end of Crescent Island to three miles upstream of the mouth of the Totchaket Slough, where salmon may be taken from 6 p.m. Friday until 6 p.m. Wednesday.

(xxvii) During any commercial salmon fishing season closure of greater than five days in duration, salmon may not be taken during the following periods in the following districts:

(A) In District 4, excluding the Koyukuk and Innoko River drainages, salmon may not be taken from 6 p.m. Friday until 6 p.m. Sunday;

(B) In District 5, excluding the Tozitna River drainage and Subdistrict 5–B, salmon may not be taken from 6 pm. Sunday until 6 pm. Tuesday;

(C) In Subdistrict 6–A and 6–B, excluding the Kantishna River drainage and that portion of the Tanana River drainage upstream of the mouth of the Salcha River, salmon may not be taken from 6 p.m. Wednesday until 6 p.m. Friday.

(xxviii) In Subdistrict 6–C and that portion of the Tanana River drainage upstream to the mouth of the Salcha River, salmon may not be taken following the closure of the commercial salmon fishing season from 6 p.m. Monday until 6 pm. Friday.

(xxix) Adjustments may have to be made to the subsistence salmon fishing seasons and fishing periods to protect healthy populations.

(xxx) Pike may not be taken with gill nets in the waters of the Tolovana River drainage from October 15 through April 14.

(xxxi) An Alaska Commercial Fisheries Entry Commission salmon permit holder registered for the set net only locations may not use drift gill nets for the subsistence taking of salmon in Districts 1, 2, and 3.

(xxxii) Commercial salmon fisherman who is registered for Districts 1, 2, or 3 may not take salmon for subsistence purposes in any other district located downstream from Old Paradise Village.

(xxxiii) During any commercial salmon fishing season closure of greater than five days in duration, salmon may not be taken during the following periods in the following districts:

(A) In District 4, excluding the Koyukuk and Innoko River drainages, salmon may not be taken from 6 p.m. Friday until 6 p.m. Sunday;

(xxxiv) In District 4, commercial fishermen may not take salmon for subsistence purposes during the commercial salmon fishing season by gill nets larger than six inch mesh after a date specified by emergency order issued between July 10 and July 31.

(xxxv) In Districts 4, 5 and 6, salmon may not be taken for subsistence purposes by drift gill nets, except as follows:

(A) In Subdistrict 4–A, upstream from the mouth of Stink Creek king salmon may be taken by drift gill nets from June 21 through July 14, and chum salmon may be taken by drift gill nets after August 2;

(B) No person may operate a drift gill net that is more than 150 feet in length during the seasons described in this section.

(xxxvi) In Subdistricts 5–A, 5–B, 5–C, and that portion of Subdistrict 5–D downstream from Long Point, no person may possess salmon taken for subsistence purposes during a commercial fishing period unless the dorsal fin has been immediately removed from the salmon. A person may not sell or purchase salmon from which the dorsal fin has been removed.

(xxxvii) In addition to the subsistence fishing permit conditions, permits issued for the taking of salmon in Subdistricts 6–A and 6–B must also contain the following requirements:

(A) Salmon may be taken only by set gill net or fishwheel. No household may operate more than one fishwheel.

(B) Each person subsistence fishing shall keep accurate daily records of his/her catch, the number of fish taken by species, location and date of the catch, and other information that the Alaska Department of Fish and Game may require for management or conservation purposes.

(C) In that portion of Subdistrict 6–B three miles or more upstream of the mouth of Totchaket Slough, each permittee shall report the number of salmon taken to the Alaska Department of Fish and Game once each week, or as specified on the permit. In the remainder of Subdistrict 6–B and in Subdistrict 6–A, each permittee shall report the total number of salmon taken to the Alaska Department of Fish and Game no later than October 31.

(xxxviii) Subsistence fishermen taking salmon in Subdistrict 6–C shall report their salmon catches at designated Alaska Department of Fish and Game check stations by the end of each weekly fishing period. Immediately after salmon have been taken, catches must be recorded on a harvest form provided by the department.

(xxxix) The annual possession limit for the holder of a Subdistrict 6–C subsistence salmon fishing permit is 10 king salmon and 75 chum salmon for periods through August 15 and 75 chum and coho salmon for periods after August 15.

(xl) Subsistence salmon harvest limits in Subdistrict 6–C are 750 king salmon and 5,000 chum salmon taken through August 15 and 5,200 chum and coho salmon combined taken after August 15. When either the king or chum salmon harvest limit for periods before August 16 has been taken, the subsistence salmon fishing season in Subdistrict 6–C will close. A later season will open after August 15 to allow the taking of the harvest limit for periods after August 15. If the chum salmon harvest limit has not been obtained through August 15, the remaining harvest will not be added to the chum salmon harvest level for periods after August 15.

(xli) Subsistence salmon fishing seasons and weekly fishing periods for Subdistrict 6–C are as follows:

(A) Salmon may be taken at any time except salmon may not be taken for 24 hours before the opening and after the closing of the commercial salmon fishing seasons and during closed weekly commercial salmon fishing periods;

(B) Weekly subsistence salmon fishing periods that follow closures of the commercial salmon fishing seasons will be established by emergency order;

(C) The annual harvest limit for the holder of a Subdistrict 6–A or 6–B subsistence salmon fishing permit is 60 chinook salmon and 500 chum salmon for the period through August 15 of a year, and 2,000 chum and coho salmon combined for the period after August 15. Upon request, permits for additional salmon may be issued by the department.

(D) Unless otherwise provided, from June 20 through September 30, open subsistence salmon fishing periods are concurrent with open commercial salmon fishing periods. During closures of the commercial salmon fishery, open subsistence salmon fishing periods are as specified in 5 Alaska Administrative Code 05.367.

(E) In the Kantishna River drainage, the open subsistence salmon fishing periods are seven days per week.

(F) In Subdistrict 6–B from the downstream end of Crescent Island to a line three miles upstream from the mouth of the Totchaket Slough, the open subsistence salmon fishing periods are from 6 p.m. Friday through 6 p.m. Wednesday.

(4) Kuskokwim Area. Federal subsistence regulations for the subsistence harvest of fish are in effect for all waters on Nunivak Island and within one mile of its shorelines and all waters within the Old Kuskokwim Wildlife Refuge as defined by boundaries established prior to 1959. In the remainder of the Kuskokwim area

Federal subsistence fishing regulations only apply to non-navigable waters on Federal lands.

(i) Unless otherwise restricted, salmon may be taken in the Kuskokwim area at any time.

(ii) Except as otherwise provided, there is no closed season on fish other than salmon.

(iii) Salmon may only be taken by gill net, beach seine, or fishwheel subject to the restrictions set forth in this chapter, except that salmon may also be taken by spear in the Holitna River drainage.

(iv) The aggregate length of set gill nets or drift gill nets in use by any individual for taking salmon may not exceed 50 fathoms.

(v) Fish other than salmon may only be taken by set gill net, drift gill net, beach seine, fishwheel, pot, long line, fyke net, dip net, jigging gear, spear, or lead.

(vi) Each subsistence gill net operated in tributaries of the Kuskokwim River must be attached to the bank, fished substantially perpendicular to the bank and in a substantially straight line.

(vii) Fish may be taken for subsistence purposes without a subsistence fishing permit.

(viii) Only those residents domiciled in the Kuskokwim Area, except those persons residing on the United States military installation located on Cape Newenham, Sparevohn USAFB, and Tatalina USAFB, may take salmon for subsistence purposes in the Kuskokwim Area.

(ix) Only those residents domiciled in the communities of Chevak, Newtok, Tununak, Toksook Bay, Nightmute, Chefornak, Kipnuk, Mekoryuk, Kwigillingok, Kongiganak, Eek, and Tuntutuliak may take for subsistence purposes Pacific cod in the Kuskokwim area.

(x) Only those residents domiciled within 20 miles of the coast between the westernmost tip of the Naskonant Peninsula and the terminus of the Ishowik River and on Nunivak Island may take for subsistence purposes herring and herring roe in those locations.

(xi) A gill net may obstruct not more than one-half the width of any fish stream. A stationary fishing device may obstruct not more than one-half the width of any salmon stream.

(xii) Kegs or buoys attached to subsistence gill nets may be any color except red during any open weekly commercial salmon fishing period.

(xiii) The maximum depth of gill nets is as follows:

(A) Gill nets with six-inch or smaller mesh may not be more than 45 meshes in depth;

(B) Gill nets with greater than six-inch mesh may not be more than 35 meshes in depth;

(xiv) In addition to the previously stated requirements,

(A) Each fishwheel must have the first initial, last name, and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river;

(B) For all gill nets and unattended gear that are fished under the ice, the first initial, last name, and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

(xv) In that portion of the Kuskokwim River drainage from the north end of Eek Island upstream to the mouth of the Kolmakof River, no part of a set gill net located within a tributary to the Kuskokwim River may be set or operated within 150 feet of any part of another set gill net.

(xvi) The Goodnews River is closed to the subsistence taking of fish by nets east of a line between Alaska Department of Fish and Game regulatory markers placed near the mouth of the Ufigag River and Alaska Department of Fish and Game regulatory marker placed near the mouth of the Tunulik River 24 hours before, during, and six hours after each open commercial salmon fishing period.

(xvii) The Kanektok River is closed to the subsistence taking of fish by nets upstream of Alaska Department of Fish and Game regulatory markers placed near the mouth 24 hours before, during and six hours after each open commercial salmon fishing period.

(xviii) The Arolik River is closed to the subsistence taking of fish by nets upstream of Alaska Department of Fish and Game regulatory markers placed near the mouth 24 hours before, during, and six hours after each open commercial salmon fishing period.

(xix) In District 1 and in those waters of the Kuskokwim River between Districts 1 and 2, excluding the Kuskokuak Slough, salmon may be taken at any time except salmon may not be taken for 16 hours before, during and for six hours after, each open commercial salmon fishing period for District 1.

(xx) In District 1, Kuskokuak Slough only, salmon may be taken at any time except:

(A) From June 1 through July 31, salmon may not be taken for 24 hours before and during each open commercial salmon fishing period in the district.

(B) From August 1 through August 31, salmon may not be taken for 15 hours before and during each open commercial salmon fishing period in the district.

(xxi) In District 2, and anywhere in tributaries that flow into the Kuskokwim River within that district, salmon may be taken at any time, except that from June 1 through September 8 salmon may not be taken for 24 hours before, during, and six hours after each open commercial salmon fishing period in the district.

(xxii) In Districts 4 and 5, salmon may be taken at any time except from June 1 through September 8, salmon may not be taken for 24 hours before, during, and 6 hours after each open commercial salmon fishing period in each district.

(5) Bristol Bay Area. At this time the Federal Government is only exerting its control on subsistence fishing in non-navigable fresh waters on Federal lands.

(i) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Bristol Bay Area.

(ii) Within the waters of a district open during the commercial salmon fishing season, salmon may be taken only during open commercial salmon fishing periods.

(iii) The total annual possession limit for a subsistence salmon fishing permit issued under this section is 200 sockeye salmon.

(iv) Salmon, trout and char may only be taken under authority of a subsistence fishing permit.

(v) Only one subsistence fishing permit may be issued to each household per year.

(vi) No set gill net may obstruct more than one-half the width of a stream.

(vii) Each set gill net must be staked and buoyed.

(viii) No person may operate or assist in operating subsistence salmon net gear while simultaneously operating or assisting in operating commercial salmon net gear.

(ix) Fish, other than salmon, herring and capelin may be taken by gear previously listed unless restricted under the terms of a subsistence fishing permit.

(x) Within any district, salmon, herring, and capelin may only be taken by drift and set gill nets.

(xi) Outside the boundaries of any district, salmon may only be taken by set gill net, except that salmon may also be taken by spear in the Togiak River excluding its tributaries.

(xii) The maximum lengths for set gill nets used to take salmon are as follows:

(A) In the Naknek, Egegik and Ugashik Rivers, in the Nushagak District, and in Naknek Lake, set gill nets may not exceed 10 fathoms in length;

(B) In the remaining waters of the area, set gill nets may not exceed 25 fathoms in length.

(xiii) In the Naknek, Egegik, and Ugashik Rivers from 9 a.m. June 23 through 9 a.m. July 17, salmon may be taken only from 9 a.m. Tuesday to 9 a.m. Wednesday and 9 a.m. Saturday to 9 a.m. Sunday.

(xiv) Except for the western shore of the Newhalen River, waters used by salmon are closed to the subsistence taking of fish within 300 feet of a stream mouth.

(xv) Nushagak District. (A) In the open waters of the Nushagak District, provision shall be made for subsistence salmon fishing by emergency order whenever there are commercial salmon fishing closures of five or more days. During these emergency order openings, (*1*) set gill nets may not be more than 10 fathoms in length;

(*2*) No set gill net may be set or operated within 450 feet of another set gill net, and

(*3*) Catches during the emergency order openings must be reported to the Dillingham Alaska Department of Fish and Game office within 24 hours after the closure.

(B) In the Nushagak District from an Alaska Department of Fish and Game regulatory marker located two statute miles south of Bradford Point to an Alaska Department of Fish and Game regulatory marker located at Red Bluff on the west shore of the Wood River, from 9 a.m. June 16 through 9 a.m. July 17, salmon may be taken only from 9 a.m. Monday to 9 a.m. Tuesday, 9 a.m. Wednesday to 9 a.m. Thursday, and 9 a.m. Friday to 9 a.m. Saturday.

(C) Only those residents domiciled in the Nushagak District and freshwater drainage flowing into the district may take salmon in the district and those drainage.

(xvi) Naknek-Kvichak District. (A) From October 1 through December 31, sockeye salmon may be taken along a 100 yard length of the west shore of Naknek Lake near the outlet to the Naknek River as marked by Alaska Department of Fish and Game regulatory markers.

(B) Subsistence salmon fishing permits for the Naknek River drainage will be issued only through the Alaska Department of Fish and Game King Salmon office.

(C) Only those residents domiciled in the Naknek and Kvichak River drainage may take salmon in the Naknek River drainage.

(D) Only those residents domiciled in the Iliamna-Lake Clark drainage may take salmon in the Iliamna-Lake Clark drainage.

(E) Subsistence fishing with nets is prohibited in the following waters and within one-fourth mile of the terminus of those waters during the period from September 1 through June 14: Lower Talarik Creek, Roadhouse Creek, Nick G. Creek, Middle Talarik Creek, Alexi Creek, Copper River, Upper Talarik Creek, Tazimina River, Kakhonak River, Pete Andrew Creek, Young's Creek, Gibralter River, Zacker Creek, Chekok Creek, Dennis Creek, Newhalen River, Tomokok Creek, Belinda Creek

(xvii) Togiak District. (A) After August 20, no person may possess coho salmon for subsistence purposes in the Togiak River Section and the Togiak River drainage unless the head has been immediately removed from the salmon. It is unlawful to purchase or sell coho salmon from which the head has been removed.

(B) Only those residents domiciled in the Togiak District, freshwater drainage flowing into the district, and the community of Manokotak may take salmon and freshwater fish species in the district and those drainages.

(C) Gill nets are prohibited in that portion of the Naknek River upstream from Sovonaski;

(6) Aleutian Islands Area. Federal subsistence regulations for the subsistence harvest of fish are in effect for all fresh waters on Federal lands west of the easternmost tip of Ugamak Island to the terminus of the Aleutian Islands, except the area between Akutan Pass and Samalga Island. In the remainder of the Aleutian Island area Federal subsistence fishing regulations only apply to non-navigible waters on Federal lands. (i) Salmon may be taken by seine and gill net, or with gear specified on a subsistence fishing permit.

(ii) Fish other than salmon may be taken by gear previously, unless restricted under the terms of a subsistence fishing permit.

(iii) The waters of Unalaska Lake (at Unalaska Village), its drainage and the outlet stream, and within 500 yards of its terminus are closed to subsistence fishing.

(iv) The Adak District is closed to the taking of salmon.

(v) Salmon, trout and char may be taken only under the terms of a subsistence fishing permit, except that a permit is not required in the Akutan, Umnak and Adak Districts. Not more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit. A record of subsistence caught fish must be kept on the reverse side of the permit. The record must be completed immediately upon taking subsistence caught fish and must be returned to the local representative of the Alaska Department of Fish and Game no later than October 31.

(7) Alaska Peninsula Area. Federal Subsistence regulations for the subsistence harvest of fish are in effect for all waters on and within one mile of Simeonof Island. In the remainder of the Alaska Peninsula Area Federal subsistence fishing regulations only apply to non-navigable waters on Federal lands. (i) Salmon may be taken at any time except within 24 hours before and within 12 hours following each open weekly commercial salmon fishing period within a 50 mile radius of the area open to commercial salmon fishing, or as may be specified on a subsistence fishing permit.

(ii) Fish other than salmon may be taken at any time unless restricted under the terms of a subsistence fishing permit.

(iii) Salmon may be taken by seine and gill net, or with gear specified on a subsistence fishing permit.

(iv) Fish other than salmon may be taken by gear previously listed, unless restricted under the terms of a subsistence fishing permit.

(v) No set gill net may exceed 100 fathoms in length.

(vi) The following waters are closed to subsistence fishing for salmon:

(A) Russell Creek and Nurse Lagoon and within 500 yards outside the mouth of Nurse Lagoon;

(B) Trout Creek and within 500 yards outside its mouth;

(C) Inshore of a line from the Pacific Pearl dock to Black Point, including the inlet and Humboldt Creek.

(vii) Salmon, trout and char may be taken only under the authority of a subsistence fishing permit. A record of subsistence caught fish must be kept on the reverse side of the permit. The record must be completed immediately upon taking subsistence caught fish and must be returned to the local representative of the Alaska Department of Fish and Game no later than October 31.

(8) Chignik Area. Federal subsistence regulations for the subsistence harvest of fish are in effect for all waters on and within one mile of each of the Semidi Islands. In the remainder of the Chignik Area Federal regulations only apply to non-navigable waters on Federal lands. (i) Salmon may be taken by seines and gill nets, or with gear specified on a subsistence fishing permit, except that in Chignik Lake, salmon may not be taken with purse seines.

(ii) Fish other than salmon may be taken by gear previously listed, unless

restricted under the terms of a subsistence fishing permit.

(iii) Salmon may not be taken in the Chignik River, upstream from the Alaska Department of Fish and Game weir site or counting tower, in Black Lake, or any tributary to Black and Chignik Lakes.

(iv) Salmon, trout and char may only be taken under the authority of a subsistence fishing permit. A record of subsistence caught fish must be kept on the reverse side of the permit. The record must be completed immediately upon taking subsistence caught fish and must be returned to the local representative of the Alaska Department of Fish and Game no later than October 31.

(v) From June 10 through September 30, commercial fishing license holders may not substitute fish for salmon.

(9) Kodiak Area. (i) At this time, the Federal Government is only exerting its control over subsistence fishing in the following waters:

(A) All fresh waters within the boundary of the Kodiak National Wildlife Refuge and all non-navigable waters on Federal lands on Kodiak and surrounding islands.

(B) All saltwater enclosed by the boundaries of Womans Bay, Gibson Cove, and an area defined by a line one-half mile on either side of the mouth of Karluk River, and extending seaward 3000 feet. The mouth of the river is closed to fishing.

(C) All saltwater enclosed by the boundaries of the shoreline of Afognak Island and a line 1500 feet seaward of the shoreline.

(D) All navigable and non-navigable fresh waters on Afognak Island enclosed by the National Wildlife Refuge Boundaries.

(ii) Salmon may be taken for subsistence purposes from 6 a.m. until 9 p.m. from January 1 through December 31, with the following exceptions:

(A) From June 1 through September 15, salmon seine vessels may not be used to take subsistence salmon for 24 hours before, during, and for 24 hours after any open commercial salmon fishing period;

(B) From June 1 through September 15, purse seine vessels may be used to take salmon only with gill nets and no other type of salmon gear may be on board the vessel.

(iii) Fish other than salmon may be taken at any time unless restricted by the terms of a subsistence fishing permit.

(iv) Unless restricted by this section or under the terms of a subsistence fishing permit, fish may be taken by gear previously listed.

(v) Salmon may be taken only by gill net and seine.

(vi) Subsistence fishermen must be physically present at the net at all times the net is being fished.

(vii) The following locations are closed to the subsistence taking of salmon:

(A) All waters of Mill Bay and all those waters bounded by a line from Spruce Cape to the northernmost point of Woody Island, then to the northernmost point of Holiday Island, then to a point on Near Island opposite the Kodiak small boat harbor entrance and then to the small boat harbor entrance;

(B) All freshwater systems of Little Afognak River and Portage Creek drainage in Discoverer Bay;

(C) All water closed to commercial salmon fishing in the Barbara Cove, Chiniak Bay, Saltery Cove, Pasagshak Bay, Monashka Bay and Anton Larsen Bay, and all waters closed to commercial salmon fishing within 100 yards of the terminus of Selief Bay Creek and north and west of a line from the tip of Las Point to the tip of River Mouth Point of Afognak Bay;

(D) All waters 300 yards seaward of the terminus of Monks Creek;

(E) From August 15 through September 30, all waters 500 yards seaward of the terminus of Little Kitoi Creek;

(F) All freshwater systems of Afognak Island;

(G) All waters of Ouzinkie Harbor north of a line from 57°55'10" N. lat., 152°36'W. long. to 57°55'03" N. lat., 152°29'20" W. long.

(viii) A subsistence fishing permit is required for taking salmon, trout and char for subsistence purposes. A subsistence fishing permit is required for taking herring and bottomfish for subsistence purposes during the commercial herring sac roe season from May 1 through June 30. All subsistence fishermen shall keep a record of the number of subsistence fish taken each year. The number of subsistence fish shall be recorded on the reverse side of the permit. The record must be completed immediately upon landing subsistence caught fish and must be returned to the local representative of the Alaska Department of Fish and Game by February 1 of the year following the year the permit was issued.

(ix) Only those residents domiciled in the Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base, may take salmon in the Kodiak Area. This restriction does not apply to the Mainland District, all waters along the southside of the Alaska Peninsula bounded by the latitude of Cape Douglas (58°52' North latitude) mid-stream Shelikof Strait, and west of the longitude of the southern entrance of Kmuya Bay near Kilokak Rocks (57°11'22" North latitude, 156°20'30" West longitude.)

(10) Cook Inlet Area. (i) At this time, the Federal Government is only exerting its control over subsistence fishing in the following waters:

(A) All waters within the boundaries of the Kenai National Wildlife Refuge.

(B) All non-navigable waters on Federal lands within the Cook Inlet Area.

(ii) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Cook Inlet area.

(iii) Unless otherwise restricted or under the terms of a subsistence fishing permit, fish may be taken by listed gear.

(iv) All salt water is closed to the taking of finfish except:

(A) The Tyonek and Port Graham Subdistricts;

(B) Salmon may be taken in the Koyuktolik Subdistrict.

(v) Salmon may not be taken in any area closed to commercial salmon fishing unless otherwise permitted.

(vi) Bottomfish may be taken by legal gear for commercial bottomfish in the area.

(vii) Smelt and herring may be taken only with gill nets and dip nets. Gill nets used to take smelt may not exceed 50 feet in length and two inches in mesh size.

(viii) Whitefish may be taken only in the Tyonek River drainage and only under the authority of a permit issued by the department.

(ix) Gill nets may not be used in fresh water, except for the taking of whitefish in the Tyonek River drainage.

(x) Trout, grayling, char, and burbot may not be taken in fresh water, except that dolly varden may be taken in fresh water in the Port Graham Subdistrict.

(xi) Dolly varden may be taken in fresh water only under the authority of a subsistence fishing permit issued by the department; only one permit may be issued to a household each year. A subsistence fishing permit holder shall record daily dolly varden catches on forms provided by the department.

(xii) Dolly varden may be taking in fresh water for subsistence purposes in the Port Graham Subdistrict only from April 1 through May 31.

(xiii) Only those residents domiciled in Port Graham and English Bay may take salmon in the Port Graham and Koyuktolik Subdistricts and dolly varden in fresh water in the Port Graham Subdistrict.

(xiv) Dolly varden may be taken in fresh water only by beach seines not exceeding 10 fathoms in length.

(xv) Salmon may be taken only under the authority of a subsistence fishing permit issued by the Alaska Department of Fish and Game; only one permit may be issued to a household each year. A subsistence fishing permit holder shall record daily salmon catches on forms provided by the department.

(xvi) No person may operate or assist in the operation of subsistence salmon net gear on the same day that person operates or assists in the operation of commercial salmon gear.

(xvii) Only those residents domiciled in the village of Tyonek may take salmon in the Tyonek Subdistrict.

(xviii) Salmon may be taken only as follows:

(A) In the Tyonek subdistrict by set gill nets not exceeding 10 fathoms in length, six inches in mesh size and 45 meshes in depth;

(B) In the Port Graham and Koyuktolik Subdistricts by set gill nets not exceeding 35 fathoms in length, six inches in mesh size and 45 meshes in depth;

(C) No part of a set gill net may be set or operated within 600 feet of any part of another set gill net.

(xix) Salmon may be taken for subsistence purposes only as follows:

(A) In the Tyonek subdistrict;

(*1*) From May 15 through June 15 from 4 a.m. to 8 p.m. on Tuesdays, Thursdays and Fridays (this season shall close by emergency order when 4,200 king salmon are taken);

(*2*) From June 16 through October 15 from 6 a.m. to 6 p.m. on Saturdays (shall not open until July 1 if 4,200 king salmon are taken before June 16.)

(B) In the Port Graham and Koyuktolik Subdistricts from April 1 through September 30 from 6 a.m. Monday until 6 a.m. Wednesday and from 6:00 a.m. Thursday until 6 a.m. Saturday.

(xx) No person may possess salmon taken under the authority of a subsistence fishing permit unless both lobes of the caudal fin (tail) have been immediately removed from the salmon.

(xxi) It is unlawful to purchase or sell salmon from which both lobes of the caudal fin (tail) have been removed.

(xxii) The total annual possession limit for each subsistence salmon permit is as follows:

(A) There is no total annual possession limit for holders of Port Craham and Koyuktolik Subdistrict subsistence salmon fishing permits;

(B) 25 salmon for the head of household and 10 salmon for each dependent of the permit holder.

(C) In addition to the limits in (b) of this subsection; the holder of a Tyonek subdistrict subsistence salmon fishing permit may take 70 king salmon; no more than 4,200 king salmon may be taken in the Tyonek subdistrict during the period May 15 through June 30.

(11) Prince William Sound Area. At this time Federal subsistence fishing regulations only apply to non-navigable waters on Federal lands in the Prince William Sound area. (i) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Prince William Sound Area.

(ii) Fish may be taken by gear previously listed unless restricted in this section or under the term of a subsistence fishing permit.

(iii) Salmon may be taken only by the following types of gear:

(A) In the Glennallen Subdistrict by fishwheels or dip nets;

(B) The Chitina Subdistrict is closed to subsistence salmon fishing;

(iv) Fishwheels used for subsistence fishing may not be rented, leased, or otherwise used for personal gain. Subsistence fishwheels must be removed from the water at the end of the permit period. Each permittee may operate only one fishwheel at any one time. No person may set or operate a fishwheel within 75 feet of another fishwheel. No fishwheel may have more than two baskets.

(v) The permit holder must personally operate the fishwheel or dip net. A subsistence fishwheel or dip net permit may not be loaned or transferred except as permitted by Alaska regulations.

(vi) A wood or metal plate at least 12 inches high by 12 inches wide, bearing the permit holder's name and address in letters and numerals at least one inch high, must be attached to each fishwheel so that the name and address are plainly visible.

(vii) Except as provided in this section, fish other than salmon and freshwater fish species may be taken for subsistence purposes with a subsistence fishing permit.

(viii) Salmon and freshwater fish species may be taken only under the authority of a subsistence fishing permit.

(ix) Only one subsistence fishing permit will be issued to each household per year.

(x) Salmon may not be taken in any area closed to commercial salmon fishing unless otherwise permitted.

(xi) In locations open to commercial salmon fishing and in conformance with commercial salmon fishing regulations, the annual subsistence salmon limit is as follows:

(A) 15 salmon for a household of one person;

(B) 30 salmon for a household of two persons;

(C) 10 salmon for each additional person in a household over two;

(D) no more than five king salmon may be taken per permit.

(xii) All tributaries of the Copper River and waters of the Copper River not in the Upper Copper River District are closed to the taking of salmon.

(xiii) A subsistence salmon fishing permit for the Upper Copper River District will be issued only to residents of the State of Alaska. The following apply to Upper Copper River District subsistence salmon fishing permits:

(A) Only one type of gear may be specified on a permit;

(B) Only one permit per year may be issued to a household;

(C) Permits must be returned to the Alaska Department of Fish and Game no later than October 31, or a permit for the following year may be denied.

(D) During closed fishing periods, the Alaska Department of Fish and Game's Chitina permit issuing station may be closed or operated at reduced hours to reduce costs.

(E) A household may not be issued both a Copper River Subsistence Salmon Fishing Permit and a Chitna Subdistrict Personal Use Salmon Fishing Permit.

(xiv) The total annual possession limit for an Upper Copper River District subsistence salmon fishing permit is as follows:

(A) 30 salmon for a household with one person;

(B) 60 salmon for a household with two persons;

(C) 10 salmon for each additional person in a household over two;

(D) Upon request, permits for additional salmon will be issued with the following limits:

(*1*) No more than a total of 200 salmon for a permit issued to a household with one person.

(*2*) No more than a total of 500 salmon for a permit issued to a household with two or more persons.

(xv) Salmon may be taken in the Upper Copper River District only as follows:

(A) In the Glennallen Subdistrict, from June 1 through September 30;

(B) The Chitina subdistrict is closed to subsistence salmon fishing;

(C) When the Copper River subsistence fishery is closed or restricted because of an inadequate escapement of sockeye or chinook salmon, the fishery may be reopened September 1 for the taking of coho

salmon, which constitute the majority of the salmon at that time.

(D) No person may possess salmon taken under the authority of an Upper Copper River District subsistence fishing permit unless the dorsal fin has been immediately removed from the salmon.

(xvi) Salmon may not be taken in the Chitina Subdistrict, or in any portion of the subdistrict, when those waters are closed to subsistence salmon fishing.

(xvii) Crosswind Lake is closed to all subsistence fishing.

(xviii) Subsistence salmon fishing permits for the Southwestern District and Green Island may be issued only to those residents domiciled in the Southwestern District which is mainland waters from the outer point on the north shore of Granite Bay to Cape Fairfield and all waters surrounding Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elrington Island, Latouche Island and adjacent islands. Salmon may be taken for subsistence purposes in those waters only as follows:

(A) Salmon may be taken only in the Southwestern District, as described in above, and along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip;

(B) Salmon may be taken only by gill nets up to 150 fathoms in length, except that pink salmon may be taken in fresh water by dipnets only;

(C) Salmon may be taken only from May 15 through September 30;

(D) Fishing periods are from May 15 until two days before the commercial opening of the Southwestern District, seven day per week; during the commercial salmon fishing season, only during open commercial salmon fishing periods; and from two days following the closure of the commercial salmon season until September 30, seven days per week;

(E) No fishing is allowed within the closed waters areas for commercial salmon fisheries; only pink salmon may be taken in fresh water;

(F) There are no bag and possession limits for this fishery;

(G) Permits may be issued only at Chenega Bay village.

(xix) Salmon, other than chinook salmon, may be taken in the vicinity of the former native village of Batzulnetas under the following conditions:

(A) Salmon may be taken only under the authority of a Batzulnetas subsistence salmon fishing permit issued by ADF&G;

(B) Salmon may be taken only in those waters of the Copper River between Alaska Department of Fish and Game regulatory markers located near the mouth of Tanada Creek and approximately one-half mile downstream from that mouth and in Tanada Creek between Alaska Department of Fish and Game regulatory markers identifying the open waters of the creek;

(C) Fishwheels and dipnets only may be used on the Copper River; dipnets and spears only may be used in Tanada Creek;

(D) Salmon may be taken only from June 1 through September 1 or until the season is closed by emergency order; fishing periods are to be established by emergency order and are two days per week during the month of June and 3.5 days per week for the remainder of the season;

(E) Chinook salmon taken must be released to the water unharmed; fish wheels must be equipped with a live box or be monitored at all times;

(F) The permit must be returned to the Alaska Department of Fish and Game's Glennallen office no later than September 30 of each year.

(xx) Subsistence salmon fishing permits for those waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point, may be issued only to those residents domiciled in the villages of Tatitlek and Ellamar. Salmon may be taken for subsistence purposes in those waters only as follows:

(A) Salmon may be taken only in those waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point;

(B) Salmon may be taken only by gill nets up to 150 fathoms in length, with a maximum mesh size of 6.25 inches, except that pink salmon may be taken in fresh water by dipnets only;

(C) Salmon may be taken only from May 15 through September 30;

(D) Fishing periods are from May 15 until two days before the commercial opening of the Southwestern District, seven days per week; during the commercial salmon fishing season, only during open commercial salmon fishing periods; and from two days following the closure of the commercial salmon season until September 30, seven days per week;

(E) No fishing is allowed within the closed waters areas for commercial salmon fisheries; only pink salmon may be taken in fresh water;

(F) There are no bag and possession limits for this fishery;

(G) Permits may be issued only at Tatitlek village.

(12) Yakutat Area. (i) At this time, Federal government is only exerting its control over subsistence fishing in the following waters:

(A) All waters within the boundaries of Glacier Bay National Preserve.

(B) All non-navigable waters on Federal lands in the Yakutat area, with the exception of such waters within Glacier Bay National Park, which is closed to subsistence uses.

(ii) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Yakutat area.

(iii) Salmon may not be taken during the period commencing 48 hours before an opening until 48 hours after the closure of an open commercial salmon net fishing season. This applies to each river or bay fishery individually.

(iv) When the length of the weekly commercial salmon net fishing period exceeds two days in any Yakutat Area salmon net fishery, the subsistence fishing period is from 6:00 am. to 6:00 p.m. on Saturday in that location.

(v) Only those residents domiciled east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island may take

(A) Salmon in freshwater upstream from the terminus of streams and rivers of the Yakutat area from the Doame River to the Tsiu River, in waters of Yakutat Bay and Russell Fiord inside a line from the westernmost point of Point Manby to the southernmost point of Ocean Cape, and in waters of Icy Bay inside a line from the westernmost tip of Point Riou to Icy Cape Light;

(B) Dolly varden char, steelhead trout, and smelt in freshwater upstream from the terminus of streams and rivers of the Yakutat area from the Doame River to Point Manby, and in waters of Yakutat Bay and Russell Fiord inside a line from the westernmost point of Point Manby to the southernmost point of Ocean Cape.

(vi) Fish may be taken by gear previously listed, unless restricted in this section or under the terms of a subsistence fishing permit.

(vii) Salmon, trout and char may be taken only under authority of a subsistence fishing permit.

(viii) Salmon, trout, or char taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on his or her permit calendar.

(ix) Subsistence fishermen must remove the dorsal fin from subsistence caught salmon when taken.

(13) Southeastern Alaska Area. At this time Federal subsistence fishing regulations only apply to non-navigable waters on Federal lands in the Southeastern Alaska Area, with the exception of Glacier Bay National Park which is closed to the subsistence uses.

(i) Unless restricted in this section or under the terms of a subsistence fishing permit, fish may be taken in the Southeastern Alaska Area at any time.

(ii) Salmon, trout, char and herring spawn on kelp may be taken only under authority of a subsistence fishing permit.

(iii) No person may possess subsistence-taken and sport-taken salmon on the same day.

(iv) The Alaska Department of Fish and Game shall not issue a permit for the taking of steelhead trout, but steelhead trout taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon permit must report any steelhead trout taken in this manner on his or her permit calendar.

(v) Salmon, trout, or char taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on his or her permit calendar.

(vi) Subsistence fishermen shall immediately remove the dorsal fin of all salmon when taken.

(vii) Coho salmon may be taken from Salt Lake and Mitchell Bay from August 1 through October 31.

(viii) Fish may be taken by gear previously listed except as may be restricted under the terms of a subsistence fishing permit and except as follows:

(A) In District 13, Redoubt Bay, gillnet or seine gear may not be used to take salmon in any waters of the bay closed to commercial salmon fishing;

(B) Set gill nets may not be used to take salmon except in the mainstream and side channels, but not the tributaries, of the Chilkat River from the terminus to one mile upstream of Wells Bridge;

(C) Beach seines and gaffs only may be used to take coho salmon during the season and including coho salmon which may be taken from Salt Lake and Mitchell Bay from August 1 through October 31.

(ix) The following waters are closed to subsistence salmon fishing: in District 15, saltwaters of Lynn Canal including Chilkat, Chilkoot and Lutak Inlets, during the closed period of the commercial salmon net fishery in the district, except that salmon may be taken in saltwaters of Lutak Inlet on the Saturday before any period that the commercial salmon net fishery is open in the inlet to the terminus of the Chilkoot River.

(x) Permits will not be issued for taking chinook or coho salmon, except for coho salmon as provided in Salt Lake and Mitchell Bay from August 1 through October 31, but chinook or coho salmon taken incidentally by gear operated under terms of a subsistence permit for other salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon fishing permit must report any chinook or coho salmon taken in this manner on his or her permit calendar.

(xi) From July 7 through July 31, sockeye salmon may be taken in the waters of Klawock Inlet enclosed by a line from Klawock Light to the Klawock Oil Dock, the Klawock River, and Klawock Lake only from 8 a.m. Monday until 5 p.m. Friday.

(xii) In the Chilkat River, the subsistence fishing permit holder shall be physically present at the net while it is fishing.

(xiii) Before July 4, subsistence salmon fishing permits may be operated in Sitkoh Bay only by residents of Angoon. On and after July 4, subsistence salmon fishing permits may be operated in Sitkoh Bay by residents of both Angoon and Sitka.

(xiv) Subsistence salmon fishing permits for the fishery provided for Salt Lake and Mitchell Bay will be issued only to those persons domiciled in Angoon and only one permit will be issued for a household. The number of coho salmon that may be taken on a permit will be specified by the Alaska Department of Fish and Game after it has assessed the level of effort that will be involved in that fishery.

(xv) In the waters of the Klawock Inlet enclosed by a line from Klawock Light to the Klawock Oil Dock, no person may subsistence salmon fish from a vessel that is powered by a motor of greater than 35 horsepower.

(xvi) Finfish may be taken for subsistence purposes only as provided in this section:

(A) Klukwan. Only those residents domiciled west of the Haines highway between Mile 20 and Mile 24 and east of the Chilkat River may take herring, herring spawn, and bottomfish in waters of Section 15–A; and salmon and smelt in all waters of the Chilkat River and Chilkat Inlet north of the latitude of Glacier Point, and in the Chilkoot River, Lutak Inlet, and Chilkoot Inlet north of the latitude of Battery Point, excluding waters of Taiya Inlet north of the latitude of the tip of Taiya Point.

(B) Haines. Only those residents domiciled in the City and Borough of Haines, excluding residents domiciled in the village of Klukwan and in the drainage of Excursion Inlet, may take herring, herring spawn, and bottomfish in waters of Section 15–A; and salmon and smelt in all waters of the Chilkat River and Chilkat Inlet north of the latitude of Glacier Point, and in the Chilkoot River, Lutak Inlet, and Chilkoot Inlet north of the latitude of Battery Point, excluding waters of Taiya Inlet north of the latitude of the tip of Taiya Point.

(C) Hoonah. Only those residents domiciled in the City of Hoonah and in Chichagof Island drainage on the eastern shore of Port Frederick from Gartina Creek to Point Sophia may take herring, herring spawn, and bottomfish in waters of District 14 east of the longitude of Point Dundas; and salmon, smelt, and dolly varden char in waters of section 14–B and 14–C, in District 13 in waters along the western shore of Yakobi Island east of a line from Cape Spencer Light to Surge Bay Light, and in District 12 in waters of Basket Bay inside a line from 57°39'50" N. lat., 134°53'12" W. long. to 57°39'17" N. lat., 134°53'53" W. long.

(D) Angoon. Only those residents domiciled in the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134°30' W. long., including Killisnoo Island, may take herring, herring spawn, and bottomfish in waters of District 12 between the latitude of Parker Point and the latitude of Point Caution, and in Section 13–C east of the longitude of Point Elizabeth; and salmon and dolly varden char in waters of District 12 south of a line from Fishery Point to South Passage Point and north of the latitude of Point Caution and in waters of Section 13–C east of the longitude of Point Elizabeth.

(E) Sitka. Only those residents of the City and Borough of Sitka domiciled in drainage which empty into Section 13–B north of the latitude of Dorothy Narrows, except those domiciled in the U.S. Coast Guard base on Japonski Island, may take herring and herring spawn in waters of Section 13–B north of the latitude of Aspid Cape; and sockeye salmon in waters of Section 13–A south of the latitude of Cape Edward, in waters of Section 13–B north of the latitude of Redfish Cape, and in waters of Section 13–C.

(F) Kake. Only those residents domiciled in the City of Kake and in

Kupreanof Island drainage into Keku Strait south of Point White and north of the Portage Bay boat harbor may take herring, herring spawn, and bottomfish in waters of Section 9–B north of the latitude of Point Ellis, in waters of District 10 west of a line from Pinta Point to Point Pybus, and in waters of District 5 north of 56°40″ N. lat.; and salmon and dolly varden char in Section 9–A and 9–B in waters north of the latitude of Swain Point, in waters of District 10 west of a line from Pinta Point to False Point Pybus, and in waters of District 5 north of a line from Point Barrie to Boulder Point.

(G) Saxman. Only those residents domiciled in the City of Saxman may take herring and herring spawn in waters of Section 1–F between Point Sykes and Foggy Point to a distance of 2 nautical miles from shore; bottomfish in waters of Section 1–F north of the latitude of the northernmost tip of Mary Island, except waters of Boca de Quadra, and in waters of Section 1–E south of the latitude of Grant Island light; and salmon and dolly varden char in waters of Section 1–C in Checats Cove east of the longitude of Edith Point, in waters of Section 1–D in Yes Bay north of a line from Syble Point to Bluff Point, in Section 1–E in waters of Helm Bay north of the latitude of Helm Point and in waters of the Naha River and Roosevelt Lagoon, and in Section 1–F in waters of George Inlet north of 55°26′ N. lat. and in Boca de Quadra in waters of Sockeye Creek and Hugh Smith Lake within 500 yards of the terminus of Sockeye Creek.

(H) Kasaan. Only those residents domiciled in the City of Kasaan and in the drainage of the southeastern shore of the Kasaan Peninsula west of 132°20′ W. long. and east of 132°25′ W. long. may take herring and herring spawn in waters of District 2 north of the latitude of the northernmost tip of Chasina Point and west of a line from the northernmost tip of Chasina Point to the easternmost tip of Grindall Island to the easternmost tip of the Kasaan Peninsula, and in waters of Section 3–B in San Alberta Bay north of the latitude of the southernmost tip of Cape Suspiro and east of 133°20′ W. long.; and salmon, dolly varden char, and bottomfish in waters of District 2 north of the latitude of the northernmost tip of Chasina Point and west of a line from the northernmost tip of Chasina Point to the easternmost tip of Grindall Island to the easternmost tip of the Kasaan Peninsula.

(I) Klawock. Only those residents domiciled in the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they exist in January 1989 may take herring and herring spawn in waters of Section 3–B in San Alberta Bay north of the latitude of the southernmost tip of Cape Suspiro and east of 133°20′ W. long., and in waters of Section 3–A in Tlevak Strait north of the latitude of High Point and south of the latitude of Eolus Point; bottomfish in waters of Section 3–B; and salmon, dolly varden char, and steelhead trout in Section 3–B in waters east of a line from Point Ildefonso to Tranquil Point and in waters of Warm Chuck Inlet north of a line from a point on Hecata Island at 55°44′ N. lat., 133°25′ W. long. to Bay Point, and in Section 3–C in waters of Karheen Passage north of 55°48′ N. lat. and east of 133°20′ W. long. and in waters of Sarkar Cove and Sarkar Lakes.

(J) Craig. Only those residents domiciled in the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they exist in January 1989 may take herring and herring spawn in waters of Section 3–B in San Alberta Bay north of the latitude of the southernmost tip of Cape Suspiro and east of 133°20′ W. long., and in waters of Section 3–A in Tlevak Strait north of the latitude of High Point and south of the latitude of Eolus Point; bottomfish in waters of Section 3–B; and salmon, dolly varden char, and steelhead trout in Section 3–B in waters east of a line from Point Ildefonso to Tranquil Point and in waters of Warm Chuck Inlet north of a line from a point on Hecata Island at 55°44′ N. lat., 133°25′ W. long. to Bay Point, and in Section 3–C in waters of Karheen Passage north of 55°48′ N. lat. and east of 133°20′ W. long. and in waters of Sarkar Cove and Sarkar Lakes.

(K) Hydaburg. Only those residents domiciled in the townsite of Hydaburg may take herring and herring spawn in waters of Section 3–A in Tlevak Strait north of the latitude of High Point and south of the latitude of Eolus Point, and in waters of Section 3–B in San Alberta Bay north of the latitude of the southernmost tip of Cape Suspiro and east of 133°20′ W. long.; bottomfish in waters of Section 3–A, and in waters of Section 3–B south of the latitude of Bocas Point, excluding Port Refugio; and salmon and dolly varden char in waters of Section 3–A and in waters of District 2 in Nichols Bay north of 54°42′07″ N. lat.

§ _____.25 Shellfish.

(a) Regulations in this section apply to subsistence fishing on Federal public lands for dungeness crab, king crab, tanner crab, shrimp, clams, abalone and other types of shellfish or their parts.

(b) Shellfish may be taken for subsistence uses at any time in any area of the public lands by any method unless restricted by the subsistence fishing regulations of this section or the preceding subsistence fishing section.

(c) Methods, Means, and General Restrictions. (1) The bag limit specified herein for a subsistence season for a species and the State bag limit set for a State general season for the same species are not cumulative. This means that a person or designated group who has taken the bag limit for a particular species under a subsistence season specified herein may not after that, take any additional shellfish of that species under any other bag limit specified for a State general season.

(2) Unless otherwise provided in this section, the following are legal types of gear for subsistence fishing:

(i) Gear specified under subsistence fishing regulations.

(ii) Jigging gear which consists of a line or lines with lures or baited hooks which are operated during periods of ice cover from holes cut in the ice and which are drawn through the water by hand;

(iii) A spear which is a shaft with a sharp point or fork-like implement attached to one end, used to thrust through the water to impale or retrieve fish and which is operated by hand;

(iv) A lead which is a length of net employed for guiding fish into a seine or a length of net or fending employed for guiding fish into a fishwheel, fyke net, or dip net;

(3) It is prohibited to buy or sell subsistence-taken shellfish, their parts, or their eggs, unless otherwise specified in this section.

(4) The use of explosives and chemicals is prohibited, except that chemical baits or lures may be used to attract shellfish.

(5) Subsistence fishing by the use of a line attached to a rod or pole is prohibited except when fishing through the ice in the Bering Sea area.

(6) Each subsistence fisherman shall plainly and legibly inscribe their first initial, last name and address on a keg or buoy attached to unattended subsistence fishing gear. Subsistence fishing gear may not display a permanent Alaska Department of Fish and Game vessel license number.

(7) A side wall of all subsistence shellfish pots must contain an opening with a perimeter equal to or exceeding one-half of the tunnel eye opening perimeter. The opening must be laced, sewn, or secured together by untreated cotton twine or other natural fiber no larger than 120 thread. Dungeness crab

and shrimp pots may have the pot lid tiedown straps secured to the pot at one end by untreated cotton twine no larger than 120 thread, as a substitute for the above requirement.

(8) No person may mutilate or otherwise disfigure a crab in any manner which would prevent determination of the minimum size restrictions until the crab has been processed or prepared for consumption.

(9) In addition to the marking requirements in paragraph (c)(6) of this section, kegs or buoys attached to subsistence crab pots must also be inscribed with the name or U.S. Coast Guard number of the vessel used to operate the pots.

(10) No more than five pots per person and 10 pots per vessel may be used to take crab, except as specified in paragraph (f) of this section.

(11) In the subsistence taking of shrimp in the Southeastern Alaska-Yakutat and Prince William Sound Areas, no person may use more than 10 pots, and no more than 20 pots may be operated from a vessel. In the subsistence taking of shellfish other than shrimp in the Southeastern Alaska-Yakutat Area, no person may operate more than five pots of any type, and no more than 10 pots of any type may be operated from a vessel.

(d) Subsistence Take by Commercial Vessels. No fishing vessel which is commercially licensed and registered for shrimp pot, shrimp trawl, king crab, tanner crab, or dungeness crab fishing may be used for subsistence take during the period starting 14 days before an opening until 14 days after the closure of a respective open season in the area or areas for which the vessel is registered.

(e) Unlawful Possession of Subsistence Shellfish. No person may possess, transport, give, receive or barter subsistence taken shellfish or their parts that the person knows or should know were taken in violation of a Federal or State statute or a regulation promulgated thereunder.

(f) Subsistence Shellfish Areas and Pertinent Restrictions. (1) Southeastern Alaska-Yakutat Area. At this time the Federal Government is only exerting its control over the waters of Glacier Bay National Park in the Southeastern Alaska-Yakutat Area. Glacier Bay National Park is closed to subsistence uses.

(2) Prince William Sound Area. At this time there are no locations within this area on which the Federal Government is regulating the subsistence harvest of shellfish. All shellfish harvest in this area is therefore under the regulation of the State of Alaska.

(3) Cook Inlet Area. At this time the Federal Government is only exerting its control over the subsistence harvest of shellfish in the following waters in the Cook Inlet Area: all waters within the boundaries of the Kenai National Wildlife Refuge. This area is closed to the taking of shellfish for subsistence purposes.

(4) Kodiak Area. (i) At this time, the Federal Government is only exerting its control over the subsistence harvest of shellfish in the following waters in the Kodiak area:

(A) All saltwater enclosed by the boundaries of Womans Bay, Gibson Cove, and an area defined by a line one-half mile on either side of the mouth of Karluk River, and extending seaward 3000 feet. The mouth of the river is closed to fishing.

(B) All saltwater enclosed by the boundaries of the shoreline of Afognak Island and a line 1500 feet seaward of the shoreline.

(C) All navigable and non-navigable fresh waters on Afognak Island enclosed by the National Wildlife Refuge Boundaries.

(ii) Shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit.

(iii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the Alaska Department of Fish and Game before subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section or subsection. The permit shall specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iv) The daily bag and possession limit is 12 dungeness crab per person. Only male dungeness crab may be taken.

(v) In the subsistence taking of king crab:

(A) The daily bag and possession limit is six crab per person and only male crab may be taken;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) No more than five crab pots may be used to take king crab;

(D) King crab may be taken only from June 1 through January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or greater in depth during the period 14 days before and 14 days after open commercial fishing seasons for red king crab, blue king crab, or tanner crab in the location;

(E) Only those residents domiciled in the Kodiak Island Borough, may take king crab in the Kodiak Area. This restriction does not apply to the Semidi Island, the North Mainland, and the South Mainland Sections.

(vi) In the subsistence taking of tanner crab:

(A) No more than five crab pots may be used to take tanner crab;

(B) From July 15 through February 10, the subsistence taking of tanner crab is prohibited in waters 25 fathoms or greater in depth, unless the commercial tanner crab fishing season is open in the location;

(C) The daily bag and possession limit is 12 crab per person and only male crab may be taken.

(5) Alaska Peninsula-Aleutian Islands Area. (i) At this time the Federal Government is only exerting its control over the subsistence harvest of shellfish found in all waters within one mile of Simeonof Island and the waters west of the easternmost tip of Ugamak Island to the terminus of the Aleutian Islands, except the area between Akutan Pass and Samalga Island.

(ii) Shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit.

(iii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the Alaska Department of Fish and Game prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection. The permit shall specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iv) The daily bag and possession limit is 12 dungeness crab per person. Only male dungeness crab may be taken.

(v) In the subsistence taking of king crab:

(A) The daily bag and possession limit is six crab per person and only male crab may be taken;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) Crab may be taken only from June 1 through January 31.

(vi) The daily bag and possession limit is 12 tanner crab per person. Only male crab may be taken.

(6) Bering Sea Area. (i) At this time the Federal Government is only exerting its control over the subsistence harvest of shellfish waters within Nunivak Islands shoreline to a distance one mile offshore, and waters within the Old Kuskokwim Wildlife Refuge as defined by boundaries established prior to 1959.

(ii) In waters South of 60° North latitude, shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit.

(iii) In that portion of the area north of the latitude of Cape Newenham, shellfish may only be taken by shovel, jigging gear, pots and ring net.

(iv) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the Alaska Department of Fish and Game prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section or subsection. The permit shall specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(v) In waters south of 600° North latitude, the daily bag and possession limit is 12 dungeness crab per person. Only male dungeness crab may be taken.

(vi) In the subsistence taking of king crab:

(A) In waters south of 60° North latitude, the daily bag and possession limit is six crab per person, and only male crab may be taken;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) In the Norton Sound Section of the Northern District, a subsistence fishing permit is required and may be obtained from a local representative of the Alaska Department of Fish and Game;

(D) In waters south of 60° North latitude, crab may be taken only from June 1 through January 31.

(vii) In waters south of 60° North latitude, the daily bag and possession limit is 12 tanner crab, and only males may be taken.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

Michael A. Barton,

Regional Forester, USDA-Forest Service.

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Part III

Environmental Protection Agency

Existing Stocks of Pesticide Products; Statement of Policy; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPP-38509; FRL-3846-4]

Existing Stocks of Pesticide Products; Statement of Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; statement of policy.

SUMMARY: This Statement summarizes the policies that will generally guide EPA in making individual decisions concerning whether, and under what conditions, the Agency will permit the continued sale, distribution, and use of existing stocks of pesticide products whose registrations under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) are amended, cancelled, or suspended. Although most of the policies reflected in this Statement have already been applied by the Agency on a case-by-case basis, EPA now intends to formalize these policies and is soliciting comments from interested persons. If, after reviewing any comments, EPA determines that changes to this Statement are warranted, the Agency will issue a revised Statement of Policy in the **Federal Register**.

DATES: The policies announced in this Statement are currently in effect. The Agency will review any comments on these policies received by the Agency on or before August 26, 1991. After reviewing such comments, the Agency may issue a revised Statement of Policy.

ADDRESSES: By mail, submit comments to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington DC 20460. In person, deliver comments to: Rm. 246, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: By mail: Martha Lamont, Special Review and Reregistration Division (H7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington DC 20460. Office location and telephone number: Special Review Branch, rm. 31L3, Crystal Station 1, 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8033.

SUPPLEMENTARY INFORMATION: The general statement of policy on existing stocks of pesticide products whose registrations under FIFRA are amended, cancelled, or suspended follows.

GENERAL STATEMENT OF POLICY

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I. Application

This Statement of Policy applies to determinations the Agency will make concerning existing stocks of pesticide products whose registrations have been amended, cancelled, or suspended pursuant to sections 3, 4, or 6 of the Federal Insecticide, Fungicide and Rodenticide Act as amended (FIFRA). This Statement also applies to existing stocks of products sold or distributed under a supplemental distributor agreement. It is the responsibility of the registrant to notify such distributors of any applicable existing stock provisions.

For purposes of this Statement, existing stocks are defined as those stocks of a registered pesticide product which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the action.

This Statement establishes general principles which the Agency generally will apply in determining whether and under what conditions to allow the sale and use of existing stocks. In general, if there are significant risk concerns associated with a cancelled pesticide, the Agency will make a case-by-case determination as to whether to allow the continued sale or use of existing stocks of the pesticide. The Agency will not allow continued sale, distribution, or use of such a pesticide unless the benefits associated with such sale, distribution, or use exceed the risks.

Where there are no significant risk concerns associated with the cancellation of a pesticide, the Agency will generally allow unlimited use of existing stocks, and unlimited sale by persons other than the registrant. A registrant will generally be allowed to continue to sell existing stocks for 1 year after the date cancellation is requested, or 1 year after the date the registrant has ceased to comply with the responsibilities that are placed upon registrants, whichever date is sooner.

This policy will be implemented on the date of publication of this notice. Because registrants were unaware of the policies contained in this notice, the Agency has decided to provide a 6-month "grace period" before certain aspects of this Policy become fully effective. Specifically, in cases where the Agency has not identified any significant risk concerns, the Agency will allow registrants of products cancelled on or before December 26, 1991 to continue to sell or distribute existing stocks at least until December 26, 1991, notwithstanding the fact that application of the policies set forth in this statement might result in a shorter existing stocks period or an outright prohibition against the sale or distribution by the registrant of any existing stocks.

II. Applicable Statutory Provisions

Under FIFRA section 3, a pesticide product must be registered with EPA before it may be sold or distributed in commerce. EPA may not register a pesticide unless, among other things, it first determines that the product and its use will not cause unreasonable adverse effects on the environment. Once a pesticide product is registered, FIFRA provides a number of different mechanisms for changing the status of a registration. These mechanisms can be grouped into three categories: Changes requested by a registrant; changes imposed by EPA for failure to comply with various obligations imposed upon registrants; and changes imposed by EPA because of a determination by the Agency that use of the pesticide product results in unreasonable adverse effects to man or the environment.

A registrant may request at any time, for any reason, to voluntarily cancel a registration (FIFRA section 6(f)) or to amend the terms and conditions of the registration, most frequently by amending the pesticide product label (FIFRA sections 3(f) and 6(f)). Voluntary amendments to registration can include, among other things, adding or deleting uses, increasing or decreasing application rates, changing the formulation of a pesticide, or changing the label language (such as changing directions for use, warning statements, etc.).

Other changes in registration status are the result of Agency action because of the failure of a registrant to fulfill

certain responsibilities adequately. Each registrant has a continuing obligation to ensure that its registered products comply with the standards for registration. Note that the the term "registration" includes reregistration (see FIFRA section 2(z)). As part of this obligation, a registrant may be required to submit to EPA additional information which the Agency considers necessary to support continued registration. See FIFRA section 3(c)(2)(B). Failure to submit information required by the Agency pursuant to section 3(c)(2)(B) may result in the suspension of a registration until the information is provided.

In addition, registrants of pesticide products containing active ingredients first registered before November 1, 1984, must demonstrate, under FIFRA section 4, that their products meet the current standards for registration and should be reregistered. Failure to comply with certain provisions of section 4 can result in the cancellation or suspension of pesticide registrations. For example, registrations may be cancelled if a registrant fails to pay fees mandated by section 4(i) or fails to provide EPA with certain information during the early stages of the reregistration process (see FIFRA sections 4(d)(5), 4(e)(3) and 4(i)(7)(C)). Failure by registrants to supply other information required during reregistration may result in the suspension of registrations until the required information is provided to EPA (see, e.g., FIFRA sections 4(d)(6) and 4(f)(3)).

If a registration is a conditional registration, the Agency may also take action to cancel the registration pursuant to FIFRA section 6(e) if the registrant fails to meet any of the conditions imposed upon the product at the time of registration.

Finally, changes in the status of a registration may be mandated by EPA to assure that the product or its use does not result in unreasonable adverse effects on the environment. The Agency may reevaluate a pesticide at any time. If EPA determines that a pesticide product (without change in its terms of registration) no longer meets the standard for registration, the Agency may propose cancellation of the product under FIFRA section 6(b) or propose to classify the product for restricted use. Such Agency proposals may at times allow changes in the terms of registration (such as the deletion of particular uses or addition of specified protective measures) as alternatives to cancellation or change in classification. If the Agency determines that use may result not only in unreasonable adverse effects but in an "imminent hazard," EPA may initiate action to suspend the pesticide registration during the pendency of cancellation proceedings (FIFRA section 6(c)).

It is a violation of FIFRA section 12(a)(1)(A) to sell or distribute any pesticide that has been cancelled or suspended, except to the extent that sale or distribution is authorized by EPA. It is also a violation of FIFRA section 12(a)(2)(J) and (K) to violate the terms of a suspension or cancellation order. Thus, unless expressly permitted by the Agency, distribution or sale of existing stocks of cancelled or suspended pesticides is unlawful. Use of such existing stocks, on the other hand, is not unlawful unless specifically prohibited by the Agency in a cancellation or suspension order.

If a pesticide is cancelled under section 6(b) or section 6(e), FIFRA provides in section 6(a)(1) and (e) that the Administrator may permit the continued sale and use of existing stocks of the cancelled pesticide "to such extent, under such conditions, and for such uses as he may specify if he determines that such sale or use is not inconsistent with the purposes of (FIFRA) and will not have unreasonable adverse effects on the environment." FIFRA section 2(bb) defines "unreasonable adverse effects" as "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide." Thus, in determining whether to permit distribution, sale, or use of existing stocks of pesticides cancelled under sections 6(b) or 6(e), EPA must apply the same risk/benefit considerations that are applicable to other Agency actions under FIFRA (except that such considerations would be limited to the context of allowing distribution, sale, or use of existing stocks).

FIFRA does not specify a standard for the Agency to apply in determining whether to allow the distribution, sale, and use of existing stocks of pesticide products cancelled voluntarily pursuant to FIFRA section 6(f) or for failure of the registrant to comply with the requirements of section 4. The Agency has decided to make existing stocks determinations with respect to products cancelled under sections 4 and 6(f) based upon whether distribution, sale, or use of existing stocks would be consistent with the purposes of FIFRA. In determining whether such distribution, sale, or use would be consistent with the purposes of FIFRA, the Agency will first determine whether there are any significant risk concerns associated with the cancelled product. If there are such risk concerns, the Agency will generally require a risk/benefit analysis before allowing the sale, distribution, or use of existing stocks. If there are no significant risk concerns, the Agency will generally not require a risk/benefit analysis before making an existing stocks determination.

In the case of suspension of pesticide registrations for failure to submit data, FIFRA has explicitly provided the Agency with broad discretion in the area of existing stocks. Section 3(c)(2)(B) provides that the Administrator may make such provisions for the sale and use of existing stocks of a pesticide whose registration is suspended for failure to submit data as EPA "deems appropriate."

As to existing stocks of pesticides that have had their registrations amended, the Agency generally considers sale or distribution of a pesticide bearing a label or containing a formula other than the label or formula currently approved by the Agency to be a violation of FIFRA section 12(a)(1)(B), (C), or (E). The Agency has, however, established regulations (at 40 CFR 152.130) which provide for the continued sale of a product bearing previously approved labeling for certain periods of time depending upon the nature of the amendment. These regulations do not apply to changes in composition. The Agency will treat sale and distribution of products containing a previously accepted formula that is different from the currently accepted formula in the manner described in unit III.C (Amendments of Registration) of this Policy Statement.

III. General Policies Applicable to All Existing Stocks

This Policy Statement contains the general policies that the Agency intends to apply in making determinations concerning the sale or use of existing stocks of pesticides, as defined in unit I (Application) of this statement. In any individual case, the Agency will consider additional factors if appropriate. To the extent that a particular action or cancellation can fit into more than one category discussed below, EPA will generally select the most restrictive existing stocks provision that may apply. Whenever an existing stocks provision is issued, the Agency reserves the right to amend that provision on its own initiative or at the request of any interested person (either by allowing additional time to sell or use stocks or by placing additional restrictions on the sale or use of existing

stocks) if later circumstances warrant. Finally, unless an existing stocks provision stipulates otherwise, any sale or use of existing stocks must be in accordance with the previously approved label and labeling on, or accompanying, the product.

A. Cancelled Pesticides

In determining what existing stocks provision is appropriate with respect to a pesticide whose registration has been cancelled, the Agency generally will base its determination on the total circumstances affecting the cancelled registration. The actual mechanism triggering cancellation will not always be the controlling factor. Instead, the Agency generally will focus on three factors: (1) Whether there are significant potential risks which raise a question as to whether the use of the cancelled pesticide results in unreasonable adverse effects on man or the environment (this category consists primarily of cancellations where the registration is the subject of a notice of intent to cancel issued pursuant to section 6(b) or a special review initiated pursuant to 40 CFR part 154); (2) whether the registrant of the cancelled pesticide has failed to meet an obligation of registration (such as payment of fees under section 4, or submission of data required under section 3(c)(2)(B), 3(c)(7), or (4); and (3) whether the Agency has taken some regulatory position with respect to the cancelled registration (such as issuance of a Registration Standard, Label Improvement Program, or a document describing the reregistration status of a pesticide or active ingredient). Consideration of these factors in a particular case may suggest differing provisions for the sale, distribution, or use of existing stocks. In such situations, the Agency generally will apply the most restrictive existing stocks provision to the cancelled product.

1. *Cancellations where the Agency has identified particular risk concerns.* Whenever a pesticide registration is cancelled, the Agency will determine whether there are significant potential risk concerns associated with the use of the pesticide. If there are such concerns, the Agency generally will make a case-by-case determination as to whether to allow continued distribution, sale, or use of existing stocks of the cancelled pesticide. This likely will be the case whether a product is cancelled by Agency mandate after issuance of a risk-based notice of intent to cancel, whether the product is cancelled because of the registrant's failure to comply with the reregistration requirements of section 4, or whether the cancellation was requested voluntarily by the registrant.

In most cases, the Agency will not permit continued distribution, sale, or use of existing stocks of a cancelled pesticide raising risk concerns unless it can be demonstrated that the social, economic, and environmental benefits associated with such distribution, sale, or use exceed the social, economic, and environmental risks. A risk/benefit analysis for existing stocks purposes is somewhat different from the analysis that is performed by the Agency in determining whether or not to cancel a registration. In making existing stocks determinations, the Agency may consider any or all of the following criteria, to the extent that information is provided or available:

a. The quantity of existing stocks at each level of the market (i.e., in possession of registrants, distributors, retailers, end-users, etc.)

b. The risks resulting from the use of such stocks. The examination of risk may take into account the limited nature of use of existing stocks where relevant (such as where limited use might result in a level of exposure that may not result in much risk). In many cases, however, it may turn out that the risks posed by use of existing stocks will be similar or identical to the risks posed by continued registration (such as, for example, where the risk is primarily an acute risk from single exposure). In assessing the risks posed by use of existing stocks, the Agency will, to the extent possible, also consider the risks posed by likely alternatives (if any).

c. The benefits resulting from the use of such stocks. In considering the benefits of existing stocks, the Agency may consider the short-term problems (if any) in switching to alternatives, including the length of time before which such alternatives could be available to retailers and users and any hardships that might be presented to users before alternatives are available. The consideration of benefits may also include (insofar as it affects existing stocks) the type of analysis of benefits that the Agency performs in its other risk/benefit analyses (i.e., whether alternatives are available, how any such alternatives compare in terms of cost and efficacy, and what the economic effects to the user will be if the cancelled product is unavailable).

d. The dollar amount users and others have already spent on existing stocks (which would be lost if distribution, sale, or use were not permitted).

e. The risks and costs of disposal or alternative disposition of the pesticide if distribution, sale, or use are not permitted. The Agency may assess whether existing stocks could be used for other purposes. If disposal appears likely, the Agency may consider relevant aspects of disposal, including the nature, feasibility, and cost of proper disposal of the cancelled product.

f. The practicality of implementing restrictions on distribution, sale, or use of existing stocks. For instance, it may be that in some circumstances the Agency would allow continued use of a product because the product could not, as a practical matter, be retrieved.

In addition to the factors listed above, the Agency may consider any other information relevant to either the risks posed by, or the benefits resulting from, the sale and use of existing stocks.

In performing a risk/benefit analysis the Agency will consider all information and/or comments from registrants and interested persons regarding existing stocks that are received in response to public documents that the Agency issues in the course of its regulatory process. For example, where an active ingredient is in special review, the Agency will often issue a Preliminary Determination (position document (PD) 2/3) and request public comment on all proposed regulatory actions. Where a registrant's request for voluntary cancellation is received prior to initiation of special review, but while one is under consideration, the Agency will publish a notice in the **Federal Register** acknowledging receipt of the request and may solicit public comments regarding existing stocks provisions.

If registrants or others indicate that there is an interest in the continued sale or use of existing stocks of cancelled pesticides raising risk concerns, and if information is provided to the Agency to support such distribution, sale, or use, the Agency will generally conduct an analysis of the risks and benefits of the distribution, sale, and use of existing stocks. If information is not provided to the Agency or no interest in continued sale, distribution, or use is expressed to the Agency, the Agency will generally not conduct a risk/benefit analysis and will not permit any sale, distribution, or use of existing stocks.

While a risk/benefit analysis will be an important factor in the Agency's determination of whether or not to allow distribution, sale, and use of existing stocks of cancelled pesticides raising risk concerns, the Agency must also determine that further distribution, sale, or use would be consistent with the purposes of FIFRA. There may be unusual circumstances where the Agency will place restrictions on the distribution, sale, and use of existing

stocks beyond those limits otherwise identified in a risk/benefit analysis (e.g., to prevent stockpiling by distributors and users).

In addition, in determining whether distribution, sale, or use of existing stocks would be consistent with the purposes of the Act, the Agency will generally look at the circumstances surrounding the cancellation. If a cancellation is the result of a final Agency action after a special review and a hearing pursuant to section 6(b), the Agency is unlikely to allow continued sale or distribution (and quite possibly, use) of the cancelled pesticide. In such circumstances, registrants, other distributors, and users of the pesticide have had ample notice of the Agency's intentions and sufficient time to take appropriate steps accordingly (such as to procure alternatives, not stockpile large quantities of the pesticide involved, use up stocks already on hand, etc.). On the other hand, where a voluntary cancellation occurs well before the Agency could take final action (i.e., prior to the completion of a special review or in lieu of a hearing under section 6(b)), the Agency may take into consideration the shorter period of notice sellers and users may have had before cancellation, the degree to which the registrant's actions accelerated the removal of the pesticide from the market, and whether the cancellation would have occurred at all without an existing stocks provision.

In a special review situation, the Agency will publish its final determination on whether to allow any sale, distribution, or use of existing stocks of cancelled pesticides, and if so, what conditions to place on such sale, distribution, or use, as part of the Final Determination (PD 4) and any other documents the Agency may issue either with or subsequent to the issuance of the PD 4 (such as notices of intent to cancel, cancellation orders, etc.). If a chemical raising a risk concern is cancelled without issuance of a Notice of Final Determination at the conclusion of a special review, the Agency will include a final existing stocks determination in a cancellation order. Existing stocks determinations contained in cancellation orders will be enforced under section 12(a)(2)(K) or 12(a)(1)(A) of FIFRA.

The Agency may allow the continued sale, distribution, and use of existing stocks of a voluntarily cancelled product raising risk concerns without performing a risk/benefit analysis if similar products with substantial share of the market remain on the market. For example, if a registration raising risk concerns is cancelled voluntarily, the Agency may examine whether the cancelled registration comprises a significant share of the market for the particular active ingredient and use pattern, and the circumstances surrounding the cancellation. If the cancelled registration does not comprise a significant share of the market, a prohibition on existing stocks would not be likely to significantly reduce environmental risks, because similar products would continue to be sold and used. Further, the Agency believes that it makes sense to encourage the early, voluntary cancellation of registrations when risk concerns arise.

If such an early cancellation is truly voluntary (i.e., the registration is not facing imminent cancellation or suspension), the Agency may allow the registrant to sell and distribute existing stocks for 1 year without performing a detailed risk/benefit analysis, and may allow other persons to distribute, sell, and use existing stocks until the stocks are exhausted. The Agency does not believe it should penalize registrants, distributors, or users in cases where a registrant voluntarily cancels a registration before other registrants are compelled to do so. Moreover, it is unlikely that a detailed risk/benefit analysis would yield a different result; so long as similar registrations comprising a predominant share of the market remain, it is unlikely that distribution, sale, or use of existing stocks of a relatively small volume of cancelled product would significantly (if at all) increase the risk of any unreasonable adverse effect on the environment.

On the other hand, if registrations constituting a dominant share of the market are cancelled, and the Agency does not believe that the remaining registrants can fill the previous demand for the product, the Agency will generally not allow continued sale, distribution, or use of existing stocks unless a risk/benefit analysis supporting such sale, distribution, or use is performed.

In cases where the Agency allows continued sale and use of existing stocks of cancelled products raising risk concerns because of the continuing nature of other registrations, it should be understood that the existing stocks allowance may be amended if the conditions concerning the registrations of the remaining products change. (The Agency in all cases reserves the right to amend existing stocks provisions where appropriate.) If other registrations are cancelled or amended during an existing stocks period for a voluntarily cancelled product, and the Agency establishes restrictions on existing stocks of these other registrations or requires relabeling of product made prior to the amendment, the Agency will likely impose similar restrictions on the existing stocks of the earlier voluntarily cancelled registration.

2. *Cancellations where a registrant has failed to comply with an obligation of registration.* This category consists of cancellations where the Agency does not have significant risk concerns with respect to the cancelled pesticide, but where the registrant has failed to respond appropriately to an obligation of registration. In these situations, the Agency has no particular reason to believe that continued distribution, sale, or use of the cancelled product would result in unreasonable adverse effects on the environment.

If a cancellation is not triggered by section 6(b) or 6(e) of FIFRA, the Agency is not required to perform a risk/benefit analysis before determining whether to allow continued sale, distribution, or use of existing stocks. Unless there are significant risk concerns associated with the cancelled pesticide, the Agency generally does not intend to perform such an analysis. Even where a cancellation is triggered by section 6(b) or 6(e), the Agency generally intends to make existing stocks decisions for cancelled products without performing a detailed risk/benefit analysis if there are no significant risk concerns associated with the cancelled pesticide. EPA believes it would be a poor use of resources to perform such an analysis when the Agency is not aware of any risk/benefit considerations that would serve as a basis for cancelling a registration. The Agency believes it highly unlikely that any analysis of risks and benefits of products not raising significant risk concerns would result in prohibition of distribution, sale, or use of existing stocks.

EPA does, however, believe that where registrants of cancelled products have failed to comply with requirements of registration, the nature of noncompliance with the particular obligation involved should be taken into account in determining whether distribution, sale, or use of existing stocks would be consistent with the purposes of FIFRA. Since such noncompliance does not itself raise concerns of unreasonable adverse effects on the environment, EPA will generally allow persons other than the registrant to continue to distribute, sell, or use stocks of cancelled products in this category until such stocks are exhausted (although the Agency may

place some restrictions on sale or use if inventories are not exhausted in a reasonable period of time). In the case of the noncompliant registrant, however, EPA will generally apply the policies set forth below in determining whether to allow continued sale and distribution. Those policies would generally prohibit a registrant from selling or distributing existing stocks more than 1 year from the date the registrant first failed to comply with an obligation of registration.

In any given case, multiple existing stocks dates might apply if a registrant has failed to comply with more than one obligation of registration. In such circumstances, the most restrictive date will generally apply, regardless of the triggering mechanism for cancellation. For example, if a registrant of a cancelled product failed to pay a maintenance fee due on March 1, 1990, and a reregistration fee due on June 1, 1990, the registrant would likely not be allowed to sell or distribute any existing stocks of the product after March 1, 1991 (regardless of whether the product was actually cancelled for failure to pay maintenance fees or reregistration fees).

a. *Failure to pay maintenance fees.* FIFRA section 4(i)(5) requires all registrants to pay annually by March 1st certain maintenance fees for registrations. Failure to pay such fees may result in the cancellation of a registration by order without a hearing (although the cancellation itself does not become effective until the Agency issues the cancellation order). If a maintenance fee is not paid for any given year, the Agency will generally not allow a registrant to continue to sell or distribute existing stock of a cancelled product for more than 1 year after the date when payment to support the cancelled registration was due, regardless of when the actual cancellation occurs. For example, if a registrant fails to pay a maintenance fee due March 1, 1991, to support a particular registration, and the registration is later cancelled, the Agency will generally not allow that registrant to sell or distribute existing stocks of the pesticide after March 1, 1992.

b. *Failure to pay reregistration fees.* FIFRA section 4(i) also requires some registrants to pay a reregistration fee (either in one or two deposits). This fee is to be apportioned among the applicable registrants on the basis of market share information that registrants are required to submit to the Agency. Failure to submit market share information or to pay an appropriate fee can lead to cancellation of a registration by order without a hearing (FIFRA section 4(i)(7)(C)). If a registrant fails to pay the appropriate reregistration fee or submit the required market share information, and an applicable product is later cancelled, a registrant will generally not be allowed to sell or distribute existing stocks of the cancelled product more than 1 year after the date the market share data or fee were due.

c. *Failure to file information during reregistration.* FIFRA section 4 establishes a five-phased process for reregistration activities. If a registrant elects to pursue reregistration, a registrant may have to commit to supply, and then supply, information to the Agency during Phases 2, 3, 4, and 5 (sections 4(d), (e), (f), and (g)). Failure to provide appropriate commitments or information can result in suspension or cancellation of a registration. If a registrant fails to comply fully with any particular phase of reregistration, and an affected product is later cancelled, the Agency will generally not allow a registrant to sell or distribute existing stocks of the cancelled product more than 1 year after the date that a registrant commitment for that particular product was due. For example, if an initial Phase 3 response is due from a registrant on July 24, 1991, the registrant fails to submit an adequate response, and the product is later cancelled, the Agency will generally not allow the registrant to sell existing stocks of the product after July 24, 1992.

Registrants will not be penalized for voluntarily cancelling a product at the beginning of any particular phase of reregistration (i.e., a registrant who cancels as of the commitment date will have a full year from the commitment date to sell or distribute existing stocks). Noncompliance in any phase, however, will generally be treated as if the registrant had requested voluntary cancellation at the beginning of the phase.

Agency policy with respect to existing stocks of suspended products that failed to comply with the requirements of reregistration are discussed later in this document.

d. *Failure to comply with the terms of a conditional registration.* FIFRA section 3(c)(7) allows the Agency to issue registrations before all applicable supporting data are provided. Such registrations, however, are conditional upon submission of the missing data in a timely manner (and upon compliance with any other conditions contained in the registration at the time of issuance). Failure to comply with the terms of a conditional registration can lead to issuance of a notice of intent to cancel under section 6(e).

Where a conditional registration is cancelled (and the Agency has not identified significant risk concerns), the Agency will base its existing stocks decision on the nature of any conditions that have not been met by the registrant. For purposes of this analysis, conditions of registration can be categorized as "general" conditions or "specific" conditions. A general condition, frequently applied to conditional registrations issued pursuant to FIFRA section 3(c)(7)(A) (i.e., registrations issued to products that are identical or substantially similar in chemical composition and use to one or more existing registered products), requires a registrant to submit required data when all other registrants of the similar product are required to do so. Such a general condition neither establishes specific data requirements nor specific dates; the condition is generally triggered by issuance of a data call-in notice. On the other hand, some conditional registrations, particularly those issued pursuant to FIFRA section 3(c)(7)(B) and (C) (i.e., conditional registrations of products containing new chemicals or bearing significant new uses), contain conditions requiring the submission of specified studies or information by specified dates. Where data requirements and submission dates are specifically identified in the conditional registration, such requirements are considered "specific" conditions.

The Agency will treat the failure to comply with a general condition of a conditional registration in the same manner as a failure by a registrant to comply with the terms of any other data call-in. If a registrant of a conditional registration with a general condition to submit data upon request does not thereafter submit data after issuance of a data call-in, and the registration is cancelled for any reason, the registrant would generally be allowed to continue to sell or distribute existing stocks for 1 year after either the day the 90-day response to the data call-in was due or the date at which the registrant ceased to remain in compliance with the terms of the data call-in, whichever date is later. (See unit III.A.3 below).

On the other hand, if a registrant of a conditional registration fails to comply with a specific condition identified at the time the registration was issued, the Agency does not believe it is generally appropriate to allow any sale and use of existing stocks if the registration is cancelled. Accordingly, the Agency does

not anticipate allowing a registrant to sell or distribute existing stocks of cancelled products that were conditionally registered if the registrant fails to demonstrate compliance with any specific requirements set forth in the conditional registration.

3. *Cancellation of products while subject to data call-in notices under section 3(c)(2)(B).* Section 3(c)(2)(B) allows the Agency to require data from registrants. Registrants are required to make an initial response to data call-in notices in 90 days, and thereafter to submit the required data in accordance with the schedule established by the Agency. Failure to respond appropriately can result in the suspension of any registration subject to the data call-in.

Similar to reregistration, data call-in notices require a commitment from a registrant to supply data, and the timely submission of data, to maintain an active registration. Accordingly, the Agency will generally not allow registrants to sell existing stocks of cancelled products more than 1 year after the date a 90-day response to a data call-in notice is due unless the registrant remains in compliance with the terms of the notice. For example, if a registrant commits to submit a 3-year study and the product registration is thereafter cancelled upon request by the registrant pursuant to section 6(f) 9 months after the 90-day response date, sale and distribution of existing stocks by the registrant will be permitted for no more than 3 months (1 year from the 90-day response date). However, if a product subject to a data call-in is cancelled and the registrant can demonstrate full compliance with the requirements of the data call-in up to a certain date, the Agency will likely allow the registrant to continue to sell and distribute existing stocks for 1 year from the date that compliance ended. For example, if the registrant had contracted with a lab to perform a 3-year study, the lab had commenced work, and the registrant instructed the lab to cease work 6 months later, the registrant would generally be allowed to sell and distribute existing stocks of cancelled products for 1 year from the date the lab was asked to cease work on the required study. The Agency will generally allow persons other than the registrant to continue to distribute, sell, or use stocks of cancelled products in this category until such stocks are exhausted (although the Agency may place restrictions if such stocks are not exhausted in a reasonable time).

The preceding discussion assumes that data generated under the data call-in have not disclosed significant potential risks associated with the product. Registrants should be advised that voluntary cancellation of a product during a data call-in response period does not excuse the registrant from compliance with the requirements of FIFRA section 6(a)(2) to report to the Administrator any information regarding unreasonable adverse effects on the environment.

4. *Cancellation of registrations subject to reregistration requirements and label improvement programs.* In the case of a registration subject to a Label Improvement Program (LIP) or determination resulting from decisions made during reregistration, the Agency has determined that the registration of the product may continue, provided that certain changes are made to the terms of registration (generally involving the product label). If a product subject to an LIP or reregistration requirement is cancelled, whether voluntarily or upon action by the Agency (e.g., for failure to pay fees), the Agency will generally not allow a registrant or any other person to sell or distribute existing stocks unless such sale or distribution is consistent with the terms of the LIP or reregistration determination.

For example, if an LIP states that registrants may not sell or distribute a product after January 1, 1992, without a certain label change and states that other persons may not sell or distribute product without the new label after January 1, 1994, and a product subject to the LIP is voluntarily cancelled on July 1, 1991, the registrant of the cancelled product will not be allowed to sell or distribute existing stocks of the cancelled product after January 1, 1992, unless the existing stocks are relabeled to be in compliance with the LIP. Similarly, no other persons would likely be allowed to sell or distribute existing stocks of the cancelled product after January 1, 1994, unless the stocks were in compliance with the terms of the LIP.

5. *Other voluntary cancellations.* If a registrant requests to voluntarily cancel a registration where the Agency has identified no particular risk concerns, the registrant has complied with all applicable conditions of reregistration, conditional registration, and data call-ins, and the registration is not subject to a Registration Standard, Label Improvement Program, or reregistration decision, the Agency will generally permit a registrant to sell or distribute existing stocks for 1 year after the cancellation request was received. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted.

B. Suspended Pesticides

FIFRA provides for two different types of suspension. Under section 6(c), EPA may suspend a pesticide registration if use of the pesticide results in an imminent hazard. Under section 3(c)(2)(B), EPA may suspend a registration if a registrant fails to submit required data to the Agency in a timely fashion. Section 4(d)(6) and 4(f)(3) provide for suspensions pursuant to section 3(c)(2)(B) if registrants fail to make timely progress of data development to meet commitments for data submission, tests are not initiated within 1 year after issuance of a Phase 4 data call-in notice, or data are not submitted by the due date.

Where a pesticide is suspended because of an imminent hazard, EPA will apply the policies applicable to cancellations where the Agency has identified significant risk concerns. The Agency is highly unlikely to allow significant sale, distribution, or use of pesticides suspended because of imminent hazard concerns.

Where a pesticide is suspended because of failure to comply with the provisions of a data call-in or reregistration requirement, the Agency will generally not allow the registrant to sell or distribute any existing stocks during the pendency of the suspension. Registrants who sell or distribute a pesticide which has been suspended under FIFRA section 3(c)(2)(B) will be in violation of FIFRA section 12(a)(2)(J). Unlike imminent hazard suspensions, the Agency does not anticipate generally placing restrictions on the sale, distribution, or use of existing stocks by persons other than the registrant where a pesticide is suspended because of failure to comply with the provisions of a data call-in or reregistration requirement unless risk concerns were identified.

C. Amendments of Registrations

The Agency has promulgated regulations (at 40 CFR 152.130) dealing with the sale or distribution of products bearing labeling other than the labeling currently approved by the Agency. Section 152.130(c) of the CFR states that the Agency will "normally" allow registrants to sell products bearing old labeling for 18 months after Agency approval of a revised label and allow others to sell products bearing the old label until all such products are sold, if the product labeling is amended "on the initiative of the registrant." Section 152.130(d) goes on to say that if a

revision is the result of a Registration Standard, Label Improvement Program, or notice concluding a Special Review, the Agency may establish alternate dates after which product sold by a registrant, or sold by others, must bear currently approved labeling.

The regulations do not address the issue of time periods for sale of products bearing a different composition or packaging from that currently approved by the Agency. The Agency believes that if the composition or packaging is required to be changed by the Agency, the policies expressed below concerning label changes should apply. However, if the composition or packaging of a product is changed by a registrant voluntarily, the Agency will generally allow registrants to sell or distribute product for 18 months after the Agency approves the change; other persons will generally be allowed to sell product using the old composition or packaging until all such product is sold.

Changes in labeling made at the behest of the Agency are covered by paragraph (d) rather than paragraph (c) of 40 CFR 152.130. Thus, if label changes are imposed in a document issued during Phase 5 of reregistration (under FIFRA section 4(g)(2)(A)) or if label revisions (or other changes) are in part attributable to concerns that the product may pose unreasonable adverse effects without the change, the Agency may impose appropriate restrictions on the sale or distribution of products not only by the registrant but by others in the distribution chain as well ("channels of trade" dates).

The Agency believes that, although such channels of trade dates may be relatively lengthy, they are necessary to effective enforcement, serving as a form of "closure" on old labeling. In the Agency's enforcement experience, products bearing old labels can be found in channels of trade far longer than foreseen. Besides enforcement difficulties, lack of an absolute cutoff point for needed label changes prolongs inconsistency among similar products, leading to confusion among users as to what label instructions are correct. More importantly, the lack of a channels of trade date creates uncertainty that product labels actually represent current and protective standards. Under FIFRA, the assurance of risk reduction depends heavily on expectations that labeling instructions will be followed. Uncertainty that such compliance is occurring and inconsistency among labels can frustrate efforts by both the Agency and registrants to effect real and consistent risk reduction. Accordingly, in each label change either imposed by the Agency, or attributed in part to risk concerns under review by the Agency, EPA intends to impose both a date for introduction of new labeling into channels of trade (a registrant sale and distribution date), and a date for removing old labeling from channels of trade. Except in the case of labeling changes imposed through Special Review, EPA is unlikely to impose restrictions upon use of product bearing old labeling.

The exact restrictions that the Agency may impose will, of course, depend upon the particular circumstances involved. Nonetheless, the Agency can identify certain principles it generally will apply to label changes directed by the Agency. Label changes directed by the Agency are currently imposed under three specific activities:

1. *The Special Review Process.* Special reviews often culminate in an Agency determination that use of the pesticide without labeling changes would cause unreasonable adverse effects. Also, registrants of pesticides in special review may propose label changes prior to the conclusion of a special review to reduce the risks that are the focus of the review. When label changes are approved in such situations, existing stocks provisions will be determined on a case-by-case basis. In determining what provisions are appropriate, the Agency may consider any or all of the following factors:

a. The nature of the risk posed by the pesticide.

b. The nature of the labeling change required.

c. Whether an amendment to effect the labeling change was submitted in a timely manner.

d. The potential adverse effects associated with continued sale of product not bearing the revised labeling.

e. The volume and location of affected products in the distribution chain.

f. The feasibility, expense, and effectiveness of either requiring relabeling of existing stocks, or of restricting sale and distribution of product not bearing the revised labeling.

2. *Reregistration of current products.* Under FIFRA section 4(g), Phase 5 of the reregistration scheme requires that products containing active ingredients first registered before November 1, 1984, be reregistered. The Agency anticipates that labeling changes (amendments) will likely be required upon issuance of a document stating the Agency's determination of the reregistrability of an active ingredient under FIFRA section 4(g)(2)(A). This Reregistration Eligibility Document (RED) will ask for label changes to be submitted within one of two timeframes—normal or expedited.

In the first instance, the reregistration process envisioned in Phase 5 will normally encompass changes in labeling, composition, or packaging. These changes will be of a more routine nature, or will depend upon the development of product-specific data, such as acute toxicity or efficacy data. Dates for submission of labeling, timeframes for Agency review of labeling changes, and existing stocks provisions will be specified in the RED. Generally, submission of labeling changes will be required 8 months from the date of submission of the RED, and Agency review will be completed 6 months following submission. Registrants will generally be permitted to sell or distribute products bearing old labeling (or composition or packaging) for 1 year after the timeframe established in the RED for Agency approval, and persons other than registrants will generally be permitted to sell or distribute those products for an additional 24 months. Thus, existing stocks dates for sale and distribution of products bearing old labeling will generally be 26 months from the date of issuance of the RED for registrants and 50 months from the date of issuance of the RED for persons other than registrants.

In the second instance, the Agency may require expedited labeling changes if it has significant concerns about the risks of the active ingredient that do not warrant placing it into the Special Review process, but that labeling changes could mitigate. Although EPA believes this situation will be rare, nonetheless the significance of Agency concerns will dictate early submission and review of labeling, and relatively short existing stocks provisions. Existing stocks timeframes will be established case-by-case, depending on the number of products involved, the number of label changes needed, and other factors.

3. *The Label Improvement Program (LIP).* An LIP provides a framework for upgrading labeling that is unconnected with reregistration, and can be initiated at any time that circumstances warrant. The LIP was established to provide a mechanism for the Agency to target a particular labeling problem or a group of products having a common label element and to implement a labeling solution uniformly for all affected products. In that respect it should be viewed as neither active ingredient-specific nor product-specific, but rather "problem-specific." Fundamental to this approach is that the program does not depend upon the development or

interpretation of data, such as is required for reregistration. With such a cross-cutting but focussed approach, the LIP generally endeavors to impose labeling requirements that can be specified exactly or with a minimum of variability. Although labeling may be required to be submitted and reviewed in a LIP, EPA's preferred approach is to obtain agreement via certification that registrants will make the changes. Thus, registrants can rapidly begin implementing the changes in products they distribute and sell. EPA anticipates that any submission of labeling or certification would be required in a comparatively short time after issuance of the LIP. Unless the LIP is a singularly complex one or involves large numbers of products or registrants, submissions of labeling or certifications will normally be required within 3 months. Registrants will generally be allowed to sell or distribute products bearing old labeling for 1 year after issuance of the LIP and persons other than registrants for 3 years after issuance of the LIP.

The Agency acknowledges the impact multiple and frequent required label changes have in escalating registrant costs, potentially disrupting the distribution chain, and creating user confusion. EPA will make every effort to consolidate labeling efforts resulting from reregistration with those that may be under way from LIPs or from parallel regulatory activities.

Interested persons are invited to sumbit written comments on this notice of statement of policy on or before December 26, 1991. Comments must bear a notation indicating the document control number, (OPP–38509). Written comments should be addressed to the Public Docket and Freedom of Information Section, Field Operations Division, at the address given above.

Dated: June 17, 1991.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 91–14958 Filed 6–25–91; 8:45 am]

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June 26, 1991

Part IV

Federal Election Commission

11 CFR Parts 9034, 9036, and 9037
Matching Fund Submission and Certification Procedures for Presidential Primary Candidates; Proposed Rulemaking

FEDERAL ELECTION COMMISSION

[Notice 1991-10]

11 CFR Parts 9034, 9036, and 9037

Matching Fund Submission and Certification Procedures for Presidential Primary Candidates

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission requests comments on proposed revisions to its regulations setting forth procedures for matching fund submissions by Presidential primary candidates. 11 CFR 9034.1, 9034.5, 9036.2, 9036.4, 9036.5, 9036.6, 9037.1 and 9037.2. The proposed changes are necessitated by the Department of the Treasury's recent promulgation of new rules regarding payments to candidates, which were adopted to address the possible shortage in the Presidential Election Campaign Fund. See 26 CFR parts 701 and 702, 56 FR 21596 (May 10, 1991). No final decisions have been made by the Commission on the proposed revisions set forth in this Notice, except that the Commission has previously adopted a new policy of rejecting submissions with high rates of nonmatchable contributions. Further information is provided in the supplementary information which follows.

DATES: Comments must be received on or before July 10, 1991.

ADDRESSES: Comments must be made in writing and addressed to: Ms. Susan E. Propper, Assistant General Counsel, Federal Election Commission, 999 E Street, NW., Washington, DC 20463.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel (202) 376-5690 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: In response to a projected shortfall in the amount of federal funds in the Presidential Election Campaign Fund for the 1992 Presidential election cycle, the Department of the Treasury has recently issued new rules regarding payments from the Fund. See 26 CFR Parts 701 and 702, 56 FR 21596 (May 10, 1991). The priorities established by the public financing statutes indicate that any shortfall will affect the availability of matching funds for primary candidates before it affects the financing of general election candidates or nominating conventions. See 26 U.S.C. 9006(c), 9008(a) and 9037. Accordingly, the new Treasury Department rules set aside funds for the nominating conventions and general election candidates prior to depositing funds in the Presidential Primary Matching Payment Account. 26 CFR 701.9006-1 and 701.9037-1. If a shortage of primary funds occurs in a particular month, the Treasury Department regulations set forth a formula for determining the amount each candidate will receive as partial payment and the amount that will be treated as certified for the next month. 26 CFR 702.9037-2. In addition, the new Treasury Department rules change the dates on which Federal payments will be made to primary election candidates. For 1992 Presidential primaries, candidates will receive federal payments on a once-a-month basis. 26 CFR 702.9037-2. All candidates will be paid on the same day each month. In previous election cycles, payments were made several times each month.

The changes in the timing of matching fund payments have led the Commission to propose changing its certification procedures so that all certifications are made on the same date each month after the beginning of the matching payment period. Given the need for adequate time to review matching fund submissions prior to certification, the Commission anticipates setting monthly deadlines for receipt of matching fund submissions near the beginning of each month. In addition, the Commission recently decided to reject matching fund submissions where the initial sampling indicates a projected dollar value of nonmatchable contributions of more than 15% of the amount requested. Accordingly, the Commission is now proposing the changes discussed below to its rules setting forth matching fund submission and certification procedures.

In the event that the projected shortfall does not occur, the Commission is seeking clarification of whether the Treasury Department will return to its previous practice of making payments throughout the month as matching fund certifications are received. If the Treasury Department does switch back to the previous payment system either before or during the matching payment period, comments are requested as to whether the Commission should, in turn, use its previous matching fund submission and certification procedures, and on the feasibility for campaigns to make this switch.

1. Submission Procedures

In previous election cycles, the Commission scheduled candidates to make matching fund submissions on the second and fourth Monday of each month after the beginning of the matching payment period. Resubmissions were scheduled for the first and third Monday. The Commission is not proposing to change the submission schedule so that all candidates would make once-a-month submissions and resubmissions on the same date. For the last two submission dates in the year before the election year and for each submission date after the beginning of the matching payment period, the candidate would be limited to making one submission, and either one resubmission under § 9036.5 or one corrected submission under § 9036.2(c) or (d)(2). The Commission would publish the list of the monthly submission dates and notify the candidates. Please note that the new monthly submission dates would not affect threshold submissions, which candidates could still make at any time. The monthly submission dates also would not apply to resubmissions made within the five day period for correcting a submission that either failed to meet the good order requirements or that had a high rate of nonmatchable contributions. See proposed 11 CFR 9036.4(a), as discussed below.

One consequence of establishing a single submission date each month is that all nonthreshold submissions would need to be full submissions. Thus, 11 CFR 9036.2(b)(2) would be revised to delete the current letter request procedures. In the event of a shortage, this would help to ensure that candidates are paid only the amount to which they are entitled. In addition, 11 CFR 9036.6 would be revised to indicate that the last date for first-time submissions for all candidates would be the first Monday in March of the year following the election year. In the past, a candidate's last submission date was either the last Monday in February or the second Monday in March, depending on the candidate's submission schedule.

2. Certification Procedures and Holdback Procedures

The proposed rules which follow would also change the timing of the Commission's certification of additional payments. Currently, 11 CFR 9036.2(c)(1) indicates that during the Presidential election year, the Commission will certify an amount within 5 business days using a holdback procedure. Any additional amount would then be certified in either 20 or 25 business days, depending upon the projected dollar value of nonmatchable contributions. These provisions would be revised by eliminating the 5, 20, and 25 day periods, and also by eliminating the use of holdback procedures to determine the amount to be certified to the Secretary of the Treasury. See Federal Election Commission's Guideline for Presentation In Good Order. If a shortfall occurs, the elimination of the holdback procedures

would help to ensure that the amount certified does not exceed the candidate's entitlement, as determined under the Commission's review procedures.

Under the proposed rules which follow, certifications based on additional submissions after the beginning of the matching payment period would be made at least once a month on the same day for all candidates. The once-a-month certification dates would also apply to submissions after the candidate's date of ineligibility under the proposed revisions to 11 CFR 9036.2(c)(2). Certifications of all resubmitted contributions will also be made on the same monthly certification dates under the draft amendments to § 9036.5(d). Currently, the Commission certifies resubmitted contributions within 15 business days. However, these changes would not affect the timing of certifications of additional submissions that were filed in the year before the Presidential election year under 11 CFR 9036.2(d).

3. Commission Review of Submissions

The proposed rules at 11 CFR 9036.4 contemplate the continuation of the Commission's previous procedures for reviewing matching fund submissions, with the following modifications. First, committees would be granted five business days, instead of three, to correct submissions that have been rejected from review because they failed to meet the Commission's good order requirements. Section 9036.4(a) would also be revised to indicate that if the matching fund submission is corrected in the five day time period, it would be processed before the next regularly scheduled submission date, and the Commission's certification would be made on the certification date for the original submission. However, if a corrected submission is made after the five day period, it would be reviewed after the next regularly scheduled submission date, and the certification would not take place until the next regularly scheduled certification date.

4. High Error Rates

Recently, the Commission decided to institute a new procedure of rejecting matching fund submissions from review in cases where the projected dollar value of the nonmatchable contributions exceeded 15% of the amount requested. Please note, however, that the new rejection policy does not apply to submissions made on the last submission date in the year preceding the Presidential election year, or to submissions made during the Presidential election year before the candidate's date of ineligibility. See Audit Division Comments on Draft Explanation and Justification of Public Financing of Presidential Primary and General Election Candidates, Agenda Doc. #91–38A, May 2, 1991. At other times when the new policy is in operation, the entire submission will be returned to the committee for corrective action before any amount is certified for payment. If the committee is able to correct the submission and resubmit it within five business days, it will be reviewed before the next regularly scheduled submission date and an amount will be certified on the certification date for the original submission. However, if the resubmission is made after the five day period, it will be reviewed after the next regularly scheduled submission date, and an amount will be certified on the next regularly scheduled certification date. Corrected submissions may not contain new or additional contributions that were not previously submitted for matching. Similarly, under 11 CFR 9036.5(c)(5), resubmissions may not contain new or additional contributions that were not previously submitted. Submissions would not be considered to be corrected until the projected dollar value of nonmatchable contributions has been reduced to 15% of the amount requested or less. The new policy is reflected in proposed 11 CFR 9036.2 (c) and (d), and 9036.4(a) which follow. Please note that the order of paragraphs (c) and (d) in § 9036.2 would also be reversed to follow a more logical chronological format.

5. Treasury Department Regulations

The proposed rules which follow would also add to §§ 9034.1(a), 9037.1 and 9037.2 cross-references to the new Treasury Department regulations to alert the reader to the possibility that a matching fund certification may not result in full payment by the Treasury Department in the event of a shortage of funds in the Presidential Primary Matching Payment Account. The Treasury Department has established a formula to determine the amount each candidate will receive as a partial payment and the amount that will be treated as certified for payment in the following month.

6. Revised Certifications

The potential shortfall in the matching payment account presents another new issue. In the event of a shortfall, one consequence of the new Treasury Department regulations could be over a month's delay between certification and payment of all certified matching funds. After a candidate's date of ineligibility, the current regulations require the candidate to have net outstanding campaign obligations as of the date of payment. 11 CFR 9034.1(b). The 1983 Explanation and Justification of this provision indicates that if "the candidate's financial position changed between the date of his or her submission for matching funds and the date of payment, reducing the candidate's net outstanding campaign obligations, that candidate's entitlement would be reduced accordingly." Explanation and Justification of Presidential Primary Matching Fund Rules, 48 FR 5227 (Feb. 4, 1983). In a shortfall situation where there is a longer time period between submission date and payment date, the financial status of a candidate's committee may change significantly. For example, the candidate may wish to raise additional private contributions to pay the debts listed on the NOCO statement more promptly, thereby reducing or possibly eliminating the amount of qualified debt remaining. Consequently, the Commission is seeking comments on proposed language at 11 CFR 9034.5(f) that would require all candidates who have not been paid the full amount certified after their dates of ineligibility to submit updated NOCO statements shortly before the next payment date so that the Commission may revise the previous certifications, when necessary. The candidates and the Secretary of the Treasury would be promptly notified of any revised certifications under proposed 11 CFR 9036.4(c)(2).

The Commission welcomes comments on the foregoing proposed amendments to the rules governing matching fund submissions and certifications and the issues raised in this Notice. No final decision has been made by the Commission concerning the proposals contained in the Notice, except for the new policy regarding submissions with high error rates.

List of Subjects

11 CFR Part 9034

Campaign funds, Elections, Political candidates.

11 CFR Part 9036

Administrative practice and procedure, Campaign funds, Political candidates.

11 CFR Part 9037

Campaign funds, Political candidates.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

These proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The basis for this certification is that few, if any, small entities are affected by these rules.

For the reasons set out in the preamble, it is proposed to amend subchapter F, chapter I of title 11 of the Code of Federal Regulations as follows:

PART 9034—ENTITLEMENTS

1. The authority citation for part 9034 would continue to read as follows:

Authority: 26 U.S.C. 9034 and 9039(b).

2. 11 CFR part 9034 would be amended by revising paragraph (a) of § 9034.1 to read as follows:

§ 9034.1 Candidate entitlements.

(a) A candidate who has been notified by the Commission under 11 CFR 9036.1 that he or she has successfully satisfied eligibility and certification requirements is entitled to receive payments under 26 U.S.C. 9037 and 11 CFR part 9037 in an amount equal to the amount of each matchable campaign contribution received by the candidate, except that a candidate who has become ineligible under 11 CFR 9033.5 may not receive further matching payments regardless of the date of deposit of the underlying contributions if he or she has no net outstanding campaign obligations as defined in 11 CFR 9034.5. See also 26 CFR parts 701 and 702 regarding payments by the Department of the Treasury.

* * * * *

3. 11 CFR part 9034 would be amended by revising paragraph (f) of § 9034.5 to read as follows:

§ 9034.5 Net outstanding campaign obligations.

* * * * *

(f)(1) The candidate shall submit a revised statement of net outstanding campaign obligations with each submission for matching fund payments filed after the candidate's date of ineligibility. The revised statement shall reflect the financial status of the campaign as of the close of business on the last business day preceding the date of submission for matching funds. The revised statement shall also contain a brief explanation of each change in the committee's assets and obligations from the previous statement.

(2) After the candidate's date of ineligibility, if the candidate does not receive the entire amount of matching funds on a regularly scheduled payment date due to a shortfall in the matching payment account, the candidate shall also submit a revised statement of net outstanding campaign obligations. The revised statement shall be filed on a date to be determined and published by the Commission which will be before the next regularly scheduled payment date.

* * * * *

PART 9036—REVIEW OF SUBMISSION AND CERTIFICATION OF PAYMENTS BY COMMISSION

4. The authority citation for part 9036 would continue to read as follows:

Authority: 26 U.S.C. 9036 and 9039(b).

5. 11 CFR part 9036 would be amended by revising § 9036.2 to read as follows:

§ 9036.2 Additional submissions for matching fund payments.

(a) *Time for submission of additional submissions.* The candidate may submit additional submissions for payments to the Commission on dates to be determined and published by the Commission. On the last two submission dates in the year prior to the election year and on each submission date after the beginning of the matching payment period, the candidate may not make more than one additional submission, and either one resubmission under 11 CFR 9036.5 or one corrected submission under 11 CFR 9036.2(c) or (d)(2), as appropriate.

(b) *Format for additional submissions.* The candidate may obtain additional matching fund payments subsequent to the Commission's threshold certification and payment of primary matching funds to the candidate by filing an additional submission for payment. Add additional submissions for payments filed by the candidate shall be made in accordance with the Federal Election Commission's Guideline for Presentation in Good Order.

(1) The first submission for matching funds following the candidate's threshold submission shall contain all the matchable contributions included in the threshold submission and any additional contributions to be submitted for matching in that submission. This submission shall contain all the information required for the threshold submission except that:

(i) The candidate is not required to resubmit the candidate agreement and certifications of 11 CFR 9033.1 and 9033.2;

(ii) The candidate is required to submit an alphabetical list of contributors, but not segregated by State as required in the threshold submission;

(iii) The candidate is required to submit a listing, alphabetical by contributor, of all checks returned unpaid, but not segregated by State as required in the threshold submission;

(iv) The Candidate is required to submit a listing, in alphabetical order by contributor, of all contributions refunded to the contributor but not segregated by State as required in the threshold submission.

(v) The occupation and employer's name need not be disclosed on the contributor list for individuals whose aggregate contributions exceed $200 in the calendar year, but such information is subject to the recordkeeping and reporting requirements of 2 U.S.C. 432(c)(3), 434(b)(3)(A) and 11 CFR 102.9(a)(2), 104.3(a)(4)(i); and

(vi) The photocopies of each check or written instrument and of supporting documentation shall either be alphabetized and referenced to copies of the relevant deposit slip, but not segregated by State as required in the threshold submission; or such photocopies may be batched in deposits of 50 contributions or less and cross-referenced by deposit number and sequence number within each deposit on the contributor list.

(2) Following the first submission under 11 CFR 9036.2(b)(1), candidates may request additional matching funds on dates prescribed by the Commission by making a full submission as required under 11 CFR 9036.2(b)(1). The amount requested for matching may include contributions received up to the last business day preceding the date of the request.

(c) *Additional submissions submitted in non-Presidential election year.* The candidate may submit additional contributions for review during the year preceding the presidential election year; however, the amount of each submission made during this period must exceed $50,000. Additional submissions filed by a candidate in a non-Presidential election year will not result in payment of matching funds to the candidate until after January 1 of the Presidential election year. If the projected dollar value of the nonmatchable contributions exceeds 15% of the amount requested, the procedures described in 11 CFR 9036.2(d)(2) shall apply, unless the submission was made on the last submission date in December of the year before the Presidential election year.

(d) *Certification of additional payments by Commission.* (1) When a candidate who is eligible under 11 CFR 9033.4 submits an additional submission

for payment in the Presidential election year, and before the candidate's date of ineligibility, the Commission will review the additional submission and will certify to the Secretary at least once a month on dates to be determined and published by the Commission, an amount to which the candidate is entitled in accordance with 11 CFR 9034.1(b). See 11 CFR 9036.4 for Commission procedures for certification of additional payments.

(2) After a candidate's date of ineligibility, the Commission will review each additional submission and resubmission, and will certify to the Secretary, at least once a month on dates to be determined and published by the Commission, an amount to which the ineligible candidate is entitled in accordance with 11 CFR 9034.1(b), unless the projected dollar value of the nonmatchable contributions contained in the submission or resubmission exceeds 15% of the amount requested. In the latter case, the Commission will return the additional submission or resubmission to the candidate and request that it be corrected, unless the resubmission was made on the last date for resubmissions in September of the year following the Presidential election year. Corrected submissions and resubmissions will be reviewed by the Commission in accordance with 11 CFR 9036.4 and 9036.5. Submissions and resubmissions will not be considered to be corrected unless the projected dollar value of nonmatchable contributions has been reduced to no more than 15% of the amount requested.

6. 11 CFR part 9036 would be amended by revising § 9036.4 to read as follows:

§ 9036.4 Commission review of submissions.

(a) *Non-acceptance of submission for review of matchability.* (1) The Commission will make an initial review of each submission made under 11 CFR Part 9036 to determine if it substantially meets the format requirements of 11 CFR 9036.1(b) and 9036.2(b) and the Federal Election Commission's Guideline for Presentation in Good Order. If the Commission determines that a submission does not substantially meet these requirements, it will not review the matchability of the contributions contained therein.

(2) For submissions made in the year before the Presidential election year (other than submissions made on the last submission date in that year), and submissions made after the candidate's date of ineligibility, the Commission will stop reviewing the submission once the projected dollar value of nonmatchable contributions exceeds 15% of the amount requested, as provided in 11 CFR 9036.2 (c) or (d), as applicable.

(3) Under either paragraph (a)(1) or (a)(2), the Commission will return the submission to the candidate and request that it be corrected in accordance with the applicable requirements. If the candidate makes a corrected submission within 5 business days after the Commission's return of the original, the Commission will review the corrected submission prior to the next regularly scheduled submission date, and will certify to the Secretary the amount to which the candidate is entitled on the regularly scheduled certification date for the original submission. Corrected submissions made after this five-day period will be reviewed subsequent to the next regularly scheduled submission date, and the Commission will certify to the Secretary the amount to which the candidate is entitled on the next regularly scheduled certification date. Each corrected submission shall only contain contributions previously submitted for matching in the returned submission and no new or additional contributions.

(b) *Acceptance of submission for review of matchability.* If the Commission determines that a submission made under 11 CFR part 9036 satisfies the requirements of 11 CFR 9036.1(b) and 9036.2 (b), (c) and (d), and the Federal Election Commission's Guideline for Presentation in Good Order, it will review the matchability of the contributions contained therein. The Commission, in conducting its review, may utilize statistical sampling techniques. Based on the results of its review, the Commission may calculate a matchable amount for the submission which is less than the amount requested by the candidate. If the Commission certifies for payment to the Secretary an amount that is less than the amount requested by the candidate in a particular submission, or reduces the amount of a subsequent certification to the Secretary by adjusting a previous certification made under 11 CFR 9036.2(c)(1), the Commission will notify the candidate in writing of the following:

(1) The amount of the difference between the amount requested and the amount to be certified by the Commission;

(2) The amount of each contribution and the corresponding contributor's name for each contribution that the Commission has rejected as nonmatchable and the reason that it is not matchable; or if statistical sampling is used, the estimated amount of contributions by type and the reason for rejection;

(3) The amount of contributions that have been determined to be matchable and that the Commission will certify to the Secretary for payment; and

(4) A statement that the candidate may supply the Commission with additional documentation or other information in the resubmission of any rejected contribution under 11 CFR 9036.5 in order to show that a rejected contribution is matchable under 11 CFR 9034.2.

(c) *Adjustment of amount to be certified by Commission.* (1) The candidate shall notify the Commission as soon as possible if the candidate or the candidate's authorized committee(s) has knowledge that a contribution submitted for matching does not qualify under 11 CFR 9034.2 as a matchable contribution, such as a check returned to the committee for insufficient funds or a contribution that has been refunded, so that the Commission may properly adjust the amount to be certified for payment.

(2) After the candidate's date of ineligibility, if the candidate does not receive the entire amount of matching funds on a regularly scheduled payment date due to a shortfall in the matching payment account, prior to each subsequent payment date on which the candidate receives payments from any previous certification, the Commission may revise the amount previously certified for payment pursuant to 11 CFR 9034.5(f). The Commission will promptly notify the Secretary and the candidate of any revision to the amount certified.

(d) *Commission audit of submissions.* The Commission may determine, for the reasons stated in 11 CFR part 9039, that an audit and examination of contributions submitted for matching payment is warranted. The audit and examination shall be conducted in accordance with the procedures of 11 CFR part 9039.

7. 11 CFR part 9036 would be amended by revising paragraph (d) of § 9036.5 to read as follows:

§ 9036.5 Resubmissions.

* * * * *

(d) *Certification of resubmitted contributions.* Contributions that the Commission determines to be matchable will be certified to the Secretary at least once a month on dates to be determined and published by the Commission. If the candidate chooses to request the specific contributions rejected for matching pursuant to 11 CFR 9036.5(a)(2), the amount certified shall equal only the matchable amount of the particular contribution that meets the standards on resubmission, rather than

the amount projected as being nonmatchable based on that contribution due to the sampling techniques used in reviewing the original submission.

* * * * *

8. 11 CFR part 9036 would be amended by revising § 9036.6 to read as follows:

§ 9036.6 Continuation of certification.

Candidates who have received matching funds and who are eligible to continue to receive such funds may continue to submit additional submissions for payment to the Commission on dates specified in the Federal Election Commission's Guideline for Presentation in Good Order. The last date for first-time submissions will be the first Monday in March of the year following the election. No contribution will be matched if it is submitted after the last submission date, regardless of the date the contribution was deposited.

PART 9037—PAYMENTS

9. The authority citation for part 9037 would continue to read as follows:

Authority: 26 U.S.C. 9037 and 9039(b).

10. 11 CFR part 9037 would be amended by revising § 9037.1 to read as follows:

§ 9037.1 Payments of Presidential primary matching funds.

Upon receipt of a written certification from the Commission, but not before the beginning of the matching payment period, the Secretary will promptly transfer the amount certified from the matching payment account to the candidate. A matching fund certification may not result in full payment by the Secretary in the case of a shortfall in the matching payment account. See 26 CFR 702.9037–1 and 702.9037–2.

11. 11 CFR part 9037 would be amended by revising § 9037.2 to read as follows:

§ 9037.2 Equitable distribution of funds.

In making such transfers to candidates of the same political party, the Secretary will seek to achieve an equitable distribution of funds available in the matching payment account, and the Secretary will take into account, in seeking to achieve an equitable distribution of funds available in the matching payment account, the sequence in which such certifications are received. See 26 CFR 702.9037–2(c) regarding partial payments to candidates in the case of a shortfall in the matching payment account.

Dated: June 21, 1991.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 91–15167 Filed 6–25–91; 8:45 am]

BILLING CODE 6715–01–M

federal register

Wednesday
June 26, 1991

Part V

Department of Commerce

International Trade Administration

Consortia of American Businesses in Eastern Europe; Notice

DEPARTMENT OF COMMERCE

International Trade Administration

Docket No. 910637-1137

Consortia of American Businesses in Eastern Europe

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of a New Business Consortia Grant Program to Assist U.S. Firms Establishing a Commercial Presence in Eastern Europe.

SUMMARY: A pilot program has been designed to assist U.S. firms in establishing a commercial presence in Eastern Europe through the formation of Consortia of American Businesses in Eastern Europe (CABEE). CABEEs are private and public non-profit organizations which will be formed to promote U.S. goods and services in Eastern Europe. The participants in these consortia will be for-profit U.S. firms interested in trade with Eastern Europe. CABEEs will establish offices and staff in Eastern Europe to provide a broad range of services for their member firms, including market research, sales promotion, and other trade facilitation services. Grant funds will be awarded as seed money to pay the start-up costs of establishing and operating CABEE offices in Eastern Europe. CABEEs can be organized along a single industry line or represent more than one business sector. There is no limitation on the number of for-profit firms that a consortium may represent.

SUPPLEMENTARY INFORMATION:

Program Objectives

CABEEs are intended to strengthen the U.S. business presence in Eastern Europe. They will provide direct trade facilitation support for their member firms, stimulating increased U.S. exports, joint ventures, and U.S. direct investment in Eastern Europe. CABEEs will promote two-way trade and will be expected to support development of counterpart host country trade associations and/or other organizations that can respond to the business opportunities represented through the consortia.

Funding Availability

Pursuant to the provision headed section (a)(6) under the heading "Assistance for Eastern Europe" of Title II of the Foreign Operations, Export Financing and Related Programs Appropriation Act, 1991, Public Law 101–513 and section 632(a) of the Foreign Assistance Act of 1961, as amended, funding for the program will come from the Agency for International Development. Commerce will administer the program on a pilot basis pursuant to the authority contained in section 635(b) of the Foreign Assistance Act of 1961, as amended. The total amount of grant funds available for the pilot program is $2.5 million.

Funding Instrument and Project Duration

The Federal grant contribution will not exceed 50 percent of proposed eligible project costs with a maximum grant amount of $500,000 per consortium. Applicants are expected to provide the remaining share, preferably in cash. Federal funding will be a one-time injection with a grant period not to exceed three years. Assistance will be available for the period of time required to complete the scope of work but not to exceed three years from the date of the grant offer.

Request for Applications

Competitive Application Kits (Application Kits) #180–0028–1 will be available from Commerce starting June 28, 1991.

To obtain a copy of the Application Kit #180–0028–1, please send a written request with two self-addressed mailing labels to Mr. George Muller, Director, Office of Export Trading Company Affairs, room 1800 HCHB, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230. Only written requests will be honored; telephone, fax, or walk-in requests will not be accepted. Only one copy of the Application Kit will be provided to each organization requesting it, but it may be reproduced by the requester. Applications (Standard Form 424 (Rev. 4-88)) are to be received at the address designated in the Application Kit no later than 3 p.m., e.d.t., August 13, 1991. Subject to the availability of funds, awards will be made prior to the end of 1991.

Eligibility

Eligible applicants for the Business Consortia Grant Program will be private and public non-profit U.S. organizations including non-profit corporations, associations and public sector entities. Within the industry or industries represented by the consortium, membership in a consortium must be available on a non-discriminatory basis. For example, membership in a trade association cannot be a requirement for membership in a consortium. Only applicants proposing to open an office in one or more of the following East European countries are eligible for this program: Poland, Hungary, Czechoslovakia, Bulgaria, Romania, and Yugoslavia. Each application will receive an independent, objective review by one or more review panels qualified to evaluate the applications submitted under the program. Applications will be evaluated on a competitive basis in accordance with the selection criteria set below.

Selection Criteria

Priority consideration will be given to those CABEE proposals which:

1. Focus on Poland, Hungary, and Czechoslovakia as the geographic target of commercial activities.
2. Involve or relate to the following industries: environment, energy, telecommunications, agriculture and agribusiness, and housing. Marketability of the products and/or services in the applicable East European countries will be taken into account in evaluating applications.
3. Are proposed by applicants with the capacity, qualifications and staff necessary to successfully undertake the intended activities.
4. Demonstrate the capability and intent of enlisting small and mid-sized U.S. firms as CABEE members.
5. Provide a reasonable assurance that the proposed project can be continued on a self-sustained basis after expiration of the Federal grant.
6. Contain a commitment to encourage, support and assist development of indigenous counterpart organizations (e.g. trade associations) and a well reasoned explanation as to how that will be accomplished.
7. Present a realistic work plan detailing the services it will provide to the CABEE members.
8. Present a reasonable, itemized budget for the proposed activities.

Selection criteria 1–3 will be weighted equally but will be accorded a greater degree of importance than the remaining criteria. Selection criteria 4–8 will be weighted equally.

Notifications

All applicants are advised of the following:

1. Applicants that have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department are made to pay the debt.
2. 15 CFR part 28 prohibits recipients of Federal contracts, grants, and cooperative agreements from using appropriated funds for lobbying the Executive or Legislative branches of the Federal government in connection with a specific contract, grant, or cooperative

agreement. A "Certification Regarding Lobbying" and the SF–LLL, "Disclosure of Lobbying Activities" (if applicable), is required for awards exceeding $100,000.

3. Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26. In accordance with the Drug-Free Workplace Act of 1988, each applicant must make the appropriate certification as a "prior condition" to receiving a grant or cooperative agreement.

4. A false statement on the application may be grounds for denial or termination of funds.

5. Awards under this program shall be subject to all Federal and Departmental regulations, policies and procedures applicable to financial assistance awards.

6. All recipients are advised of the applicability of Executive Order 12372, "Intergovernmental Review of Federal Programs."

7. The Standard Form 424 (Rev. 4–88) mentioned in this Notice is subject to the requirements of the Paperwork Reduction Act and it has been approved by OMB under Control No. 0348–0006.

Dated: June 21, 1991.

George Muller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 91–15176 Filed 6–25–91; 8:45 am]

BILLING CODE 3510–01–M

federal register

Wednesday
June 26, 1991

Part VI

Department of Education

Educational Research Grant Program: Researcher Training Project; Notice Inviting Applications for New Awards for FY 1991

DEPARTMENT OF EDUCATION

[CFDA No.: 84.117H]

Educational Research Grant Program: Researcher Training Project; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1991

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), this notice contains all of the information, application forms, and instructions needed to apply for a grant under this competition.

Purpose of Program: The Educational Research Grant Program (ERGP) supports scientific inquiry designed to advance educational theory and practice.

Eligible Applicants: The following are eligible for awards under the Educational Research Grant Programs: (a) Institutions of higher education; (b) Public and private organizations, institutions, and agencies; and (c) Individuals.

Deadline for Transmittal of Applications: July 31, 1991.

Available Funds: $150,000.

Estimated Range of Awards: $150,000.

Estimated Average Size of Awards: $150,000.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 12 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), part 75 (Direct Grant Programs), part 77 (Definitions that Apply to Department Regulations), part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), part 81 (General Education Provisions Act—Enforcement), part 82 (New Restrictions on Lobbying), part 85 (Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)), part 86 (Drug-Free Schools and Campuses); and (b) The regulations for this program in 34 CFR part 700.

Eligible Activity: Under 34 CFR 700.3 (a) and (b), the Secretary restricts applications under this competition to those proposing the following activity: training of individuals in educational research. Only applications proposing to conduct this activity will be considered under this competition.

Invitational Priority: The Secretary is particularly interested in applications that propose to conduct educational research training projects that involve (1) mentored internships in research institutions such as the Research and Development Centers and Regional Educational Laboratories supported by the Department's Office of Educational Research and Improvement; and (2) opportunities for participants to engage in original research and scholarly writing. The Secretary encourages projects that make special efforts to recruit minority individuals through, among other activities, collaboration with institutions and organizations where minority individuals who are potential educational research candidates may be found, such as historically Black colleges and universities, other colleges and universities that prepare minority educators, or professional associations. A grantee may not, however, limit eligibility to participate in the project on the basis of minority status. See Nondiscrimination in Federally Assisted Programs; title VI of the Civil Rights Act of 1964; Policy Interpretation, 44 FR 58509 (October 10, 1979). Copies can be obtained from the address listed in the "FOR FURTHER INFORMATION CONTACT" section of this notice.

Under 34 CFR 75.105(c)(1), an application that meets this invitational priority does not receive competitive or absolute preference over other applications that do not meet the invitational priority.

Selection Criteria

(a) (1) In evaluating applications for new grants under this competition, the Secretary uses the selection criteria in 34 CFR 700.22.

(2) The program regulations in 34 CFR 700.20(b)(2) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 25 points distributed in accordance with 34 CFR 700.20(b)(4).

(3) For this competition the Secretary distributes the 25 points as follows:

(i) Plan of operation (34 CFR 700.22(a)). Ten points are added to this criterion for a total of 20 points.

(ii) Evaluation plan (34 CFR 700.22(d)). Five points are added to this criterion for a total of 10 points.

(iii) Significance (34 CFR 700.22(f)). Five points are added to this criterion for a total of 20 points.

(iv) Technical soundness (34 CFR 700.22(g)). Five points are added to this criterion for a total of 20 points.

(4) The maximum score for each criterion is indicated in parentheses.

(b) (1) *Plan of operation* (20 points). The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(ii) The quality of the applicant's plans to use its resources and personnel to achieve each objective of the project; and

(iii) The extent to which the applicant will equitably address the educational needs of students and educators in both public and private educational institutions.

(2) *Quality of key personnel* (20 points).

(i) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(A) The qualifications of the principal investigator;

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (b)(2)(i) (A) and (B) will commit to the project; and

(D) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(ii) To determine personnel qualifications under paragraphs (b)(2)(i) (A) and (B), the Secretary considers—

(A) Experience and training in fields related to the objectives of the project; and

(B) Any other qualifications that pertain to the quality of the project.

(3) *Budget and cost-effectiveness* (5 points). The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives, design, and potential significance of the project.

(4) *Evaluation plan* (10 points). The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable.

(5) *Adequacy of resources* (5 points). The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment and supplies.

(6) *Significance* (20 points).

(i) The Secretary reviews each application to determine the significance of the proposed project.

(ii) The Secretary determines the project's potential to make a significant contribution to American education, as measured by factors such as—

(A) Importance of the proposed project from the standpoint of basic knowledge or of problems in American education;

(B) The likely magnitude of the addition that will be made to knowledge or educational practices if the project is successful, including the extent to which the proposed outcomes can be broadly applied;

(C) The extent to which the project involves creative or innovative approaches that complement or are alternatives to existing approaches to the project's problem area; and

(D) The extent to which the project is designed to yield products and outcomes that can be disseminated and utilized in other settings, such as information, materials, processes, or techniques.

(7) *Technical soundness* (20 points).

(i) The Secretary reviews each application to determine the technical soundness of the proposed activities.

(ii) The Secretary determines—

(A) The adequacy of the project's design, methodology, instrumentation, and data analysis plan, as applicable;

(B) The extent to which the application exhibits a thorough knowledge of current research and development concepts, theories, and outcomes and relates these to the proposed activity; and

(C) The extent to which, where appropriate, the perspectives of a variety of disciplines are used.

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #84.117H) Washington, DC 20202–4725 or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #84.117H), room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibily dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from commerical carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9494.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)) and instructions.

Part II: Budget Information—Non-Construction Programs (Standard Form 424A) and instructions.

Part III: Application Narrative.

Additional Materials

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certifications regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).

Certification regarding debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions.

Note: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.)

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL–A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

FOR FURTHER INFORMATION CONTACT: Cheryl Garnette, U.S. Department of Education, 555 New Jersey Avenue NW., room 510B Capitol Place, Washington, DC 20208–5644. Telephone: 202–219–2267. FAX: 202–219–2106. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 703–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 1221e.

Dated: June 21, 1991.

Bruno V. Manno,

Acting Assistant Secretary for Educational Research and Improvement.

Appendix

BILLING CODE 4000–01–M

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☒ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name	Organizational Unit
Address (give city, county, state, and zip code)	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A State; B County; C Municipal; D Township; E Interstate; F Intermunicipal; G Special District; H Independent School Dist.; I State Controlled Institution of Higher Learning; J Private University; K Indian Tribe; L Individual; M Profit Organization; N Other (Specify) _____

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A Increase Award; B Decrease Award; C Increase Duration; D Decrease Duration; Other (specify) _____

9. NAME OF FEDERAL AGENCY:

U.S. Department of Education

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 • 1 1 7H

TITLE Educational Research Grant Program: Researcher Training Project

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.)

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a Applicant	b Project

15. ESTIMATED FUNDING:		
a Federal	$	.00
b Applicant	$	.00
c State	$	.00
d Local	$	.00
e Other	$	.00
f Program Income	$	.00
g TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO ☒ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a Typed Name of Authorized Representative	b Title	c Telephone number
d Signature of Authorized Representative		e Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY (1)	(2)	(3)	(4)	Total (5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
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INSTRUCTIONS FOR THE SF-424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A,B,C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A,B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary
Lines 1-4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in *Column* (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

Lines 1-4, Columns (c) through (g.) (continued)

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i — Show the totals of Lines 6a to 6h in each column.

Line 6j – Show the amount of indirect cost.

Line 6k – Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

INSTRUCTIONS FOR THE SF-424A *(continued)*

Line 7 – Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Lines 8-11 – Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) – Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) – Enter the contribution to be made by the applicant.

Column (c) – Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) – Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) – Enter totals of Columns (b), (c), and (d).

Line 12 — Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D Forecasted Cash Needs

Line 13 – Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 – Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 – Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16 - 19 – Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 – Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 – Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 – Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 – Provide any other explanations or comments deemed necessary.

Part III—Application Narrative

A. *Application Instructions for New Awards—*

1. Information on who is eligible to apply for a grant award can be found in section 700.2 of the Final Regulations for the program.

2. In order to be considered for funding you must submit an original and two copies (and in order to expedite the review and award process, it is strongly suggested that you voluntarily submit three additional copies).

B. *Instructions for Proposal Narrative—*

1. Research Priorities

Applicants are invited to address the priority published in the Federal Register Notice Inviting Applications contained in this application package.

2. Proposal Narrative

a. Applicants must provide a proposal narrative not to exceed 80–100 double spaced typed pages (normal sized type, no smaller than 10 point pica). The narrative must address each of the following criteria contained in 34 CFR 700.22:

(1) Plan of operation
(2) Quality of key personnel
(3) Budget and cost-effectiveness
(4) Evaluation plan
(5) Adequacy of resources
(6) Significance
(7) Technical soundness

Under the discussion of technical soundness, applicants should describe in detail and justify the procedures that will be used to carry out the proposed work.

b. Applicants are encouraged to provide a summary of the program project (not to exceed 500 words).

3. Budget Information

Applicants must provide a detailed budget for each project and activity to support the request in the budget information from (SF 424A). The cost categories for the detailed budget for each project must be consistent with the cost categories in the summary budget information form. (Instructions are included.)

Provide (at line 21 and attached sheets) a breakdown detailing individual units or activities and amount for each "object class category." For example, for "personnel," show salaries and wages for each staff member by position or name; for "contractual," show consultants, sub-contractual services, materials.

4. Technical Assistance

Any questions regarding a competition should be addressed to the contact person named in the notice inviting applications contained in this package.

5. Reporting Requirements

Each applicant should consider reporting requirements in developing the plan of operation. Performance of financial reports are required at the completion of each project period. Additional guidance will be given prior to the time that the grant is awarded.

Instructions for Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 27 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of infomation. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project 1850–0651, Washington, DC 20503.

(Information collection approved under OMB control number 1850–0651. Expiration date: November 30, 1993)

BILLING CODE 4000-01-M

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2 Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

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10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

SF 424B (4-88) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 --

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office

Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 –

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV 12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known:* Congressional District, *if known:*	Congressional District, *if known:*
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, *if applicable:* _____
8. Federal Action Number, *if known:*	9. Award Amount, *if known:* $
10. a. Name and Address of Lobbying Entity (*if individual, last name, first name, MI*):	b. Individuals Performing Services (*including address if different from No. 10a*) (*last name, first name, MI*):

(*attach Continuation Sheet(s) SF-LLL-A, if necessary*)

11. Amount of Payment (*check all that apply*):	13. Type of Payment (*check all that apply*):
$ _____ ☐ actual ☐ planned	☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment (*check all that apply*): ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(*attach Continuation Sheet(s) SF-LLL-A, if necessary*)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

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INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

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Vol. 56, No. 125

Wednesday, June 26, 1991

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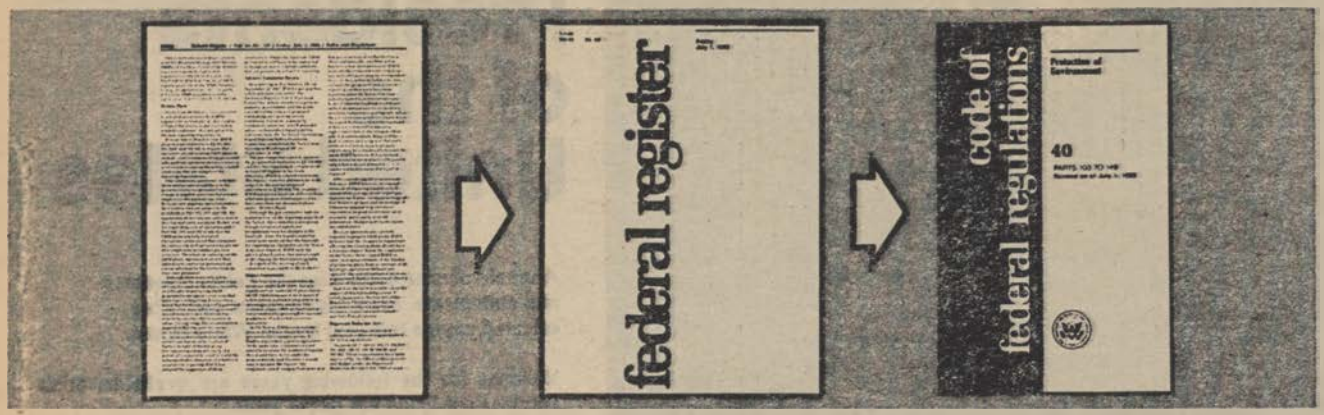

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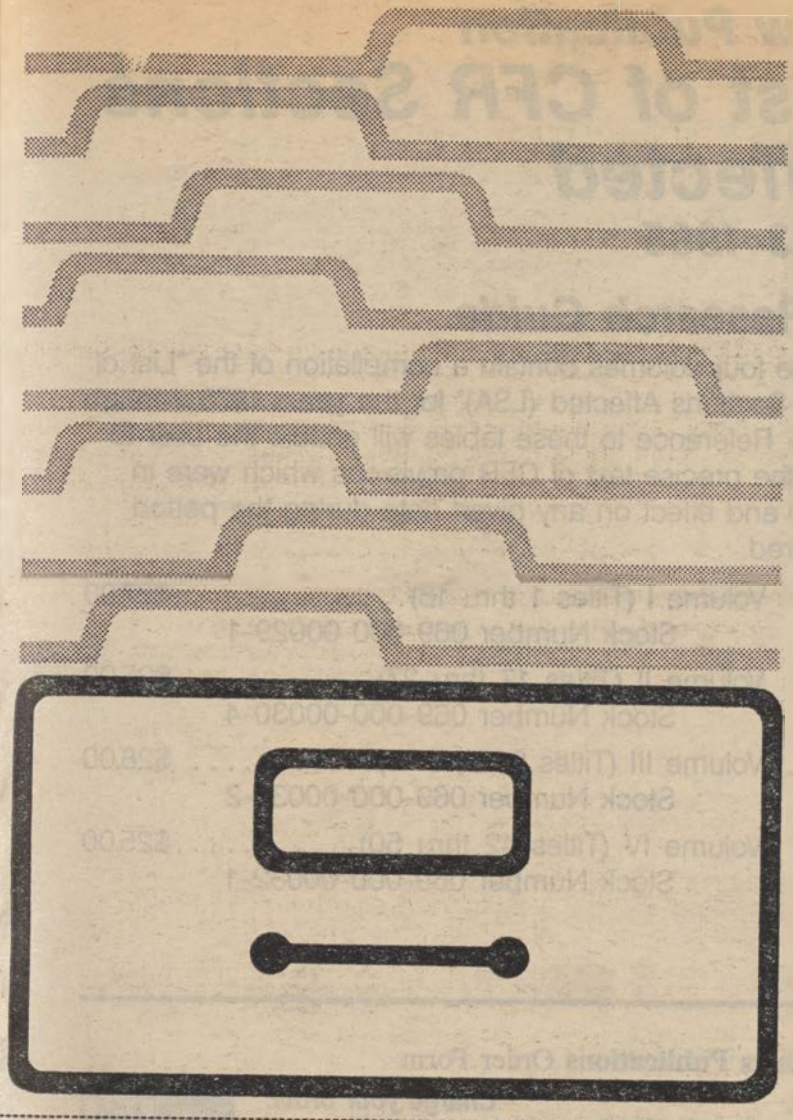

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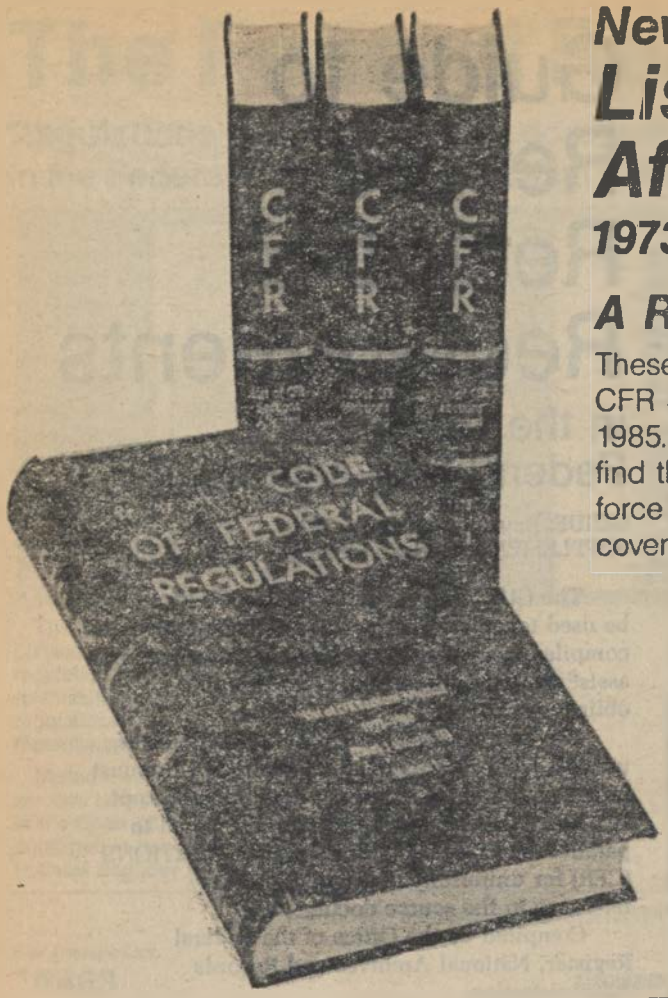

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